

# AMERICAN LABOR LEGISLATION REVIEW

Vol. IV

DECEMBER, 1914

No. 4

## CONTENTS

I. ORGANIZATION .....	509
Association Activities .....	511
Constitution .....	517
II. OCCUPATIONAL HYGIENE .....	521
Association Activities .....	523
Standard Leaflets, Bills and Certificate .....	533
III. INDUSTRIAL SAFETY .....	555
Association Activities .....	557
Standard Leaflets, Bills and Schedule .....	562
IV. ADMINISTRATION OF LABOR LAWS .....	567
V. SOCIAL INSURANCE .....	573
Association Activities .....	575
Standards for Workmen's Compensation Laws .....	585
Standards for Sickness Insurance .....	595
VI. UNEMPLOYMENT .....	597
VII. ONE DAY OF REST IN SEVEN .....	609
Association Activities .....	611
Operation of Weekly Rest Day Law in New York and Massa- chusetts. ....	615
Standard Leaflet and Bill .....	627
VIII. WOMAN'S WORK .....	631
IX. CHILD LABOR .....	639
X. INDUSTRIAL EDUCATION .....	643

The American Labor Legislation Review is published quarterly by the American Association for Labor Legislation, 131 East 23d St., New York, N. Y. The price is one dollar per single copy, or three dollars per year in advance. An annual subscription includes individual membership in the Association.

Princeton University Press  
Princeton, N. J.



## INTRODUCTORY NOTE

On February 15, 1906, the American Association for Labor Legislation was formed, with twenty-one charter members. It was small, but it was hopeful, and it felt that its face was turned in the right direction. To-day, almost nine years later, the Association has a membership of more than 3,000 and a record of accomplishment of which it thinks itself justly proud.

The present moment, when social movements and doctrines of every kind are being tried out in the furnace of a world-wide conflagration, is peculiarly opportune for reviewing the organization's work and rendering an account of its stewardship. In the following pages will be found a brief record of the Association's attainments in the ten large fields of its activity—organization, occupational hygiene, industrial safety, administration of labor laws, social insurance (including workmen's compensation), unemployment, one day of rest in seven, woman's work, and more incidentally child labor and industrial education. When the Association was formed there were already in certain sections of the labor legislation field other organizations with which the Association has since cooperated for the purpose of avoiding unnecessary duplication of effort. The annals, are, therefore, fuller in some cases than in others, but in all cases the story which is told represents the most unremitting activity and the most earnest endeavor.



In the course of the nine years' efforts numerous publications have been issued, which are listed at the end of their appropriate sections. Prominent among them have been several leaflets containing the standard bills carefully and scientifically drafted by the Association's experts after thorough, painstaking study of conditions. These have been distributed by thousands in various vigorous legislative campaigns, and in the following pages are for the first time brought together for the permanent assistance of members and friends. Special acknowledgement is due to the committees, herewith published, to whose untiring application much of the Association's scientific success is due.

A number of maps, charts and photographs show the spread of workmen's compensation laws and public employment bureaus throughout the country, the progress in women's hour legislation from 1912 to 1914, and some of the occupational disease hazards against which the Association has campaigned, in one striking case with complete victory.

From their very nature, very few of the sections of this REVIEW have been produced by a single person. The standard bills were drafted and the leaflets accompanying them were written by various workers over a period of several years. The compilation and revision of this material and the writing of the historical portion of each section is largely the joint work of Miss Margaret A. Hobbs and Mr. Solon De Leon, both of the Association staff.

JOHN B. ANDREWS, *Secretary*,  
American Association for Labor Legislation.

# I

## ORGANIZATION

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ROBERT A. WOODS, Boston	



## ORGANIZATION

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In connection with the Paris Exposition of 1900 there was held a Congress on Labor Legislation, attended by representatives from many countries including the United States. At this congress it was decided to form an International Association for Labor Legislation, whose purpose, as stated in its constitution, was, first of all, "to serve as a bond of union to those who, in the different industrial countries, believe in the necessity of protective labor legislation." It was also to organize an International Labor Office which should publish in English, French and German a periodical bulletin of labor laws of all countries; to facilitate the study of labor legislation and of its operation; to promote international uniformity of labor laws and the gathering of international labor statistics; and to hold international congresses on labor legislation.

The International Association has amply carried out these aims. The *Bulletin*, launched as a quarterly in 1902, has now become a monthly, of which editions are published in the three languages specified. Numerous special reports and publications have appeared, seven international congresses have been held, and fifteen national sections, including that in the United States, have been organized. Two international treaties, one prohibiting the use of poisonous phosphorus in matches, and the other forbidding the industrial work of women at night, have been signed by most of the European countries.

Work toward the formation of an American Section was initiated in 1902 when the Board of the International Association began efforts to make its object known in the United States and to form connections with interested individuals. A number of correspondents and direct members were gained, who, in December, 1905, met in connection with the annual meeting of the American Economic Association at Baltimore and decided that the time was ripe for organization. A committee appointed to draw up by-laws called a meeting in New York on February 15, 1906, and on that date the American Association for Labor Legislation was launched. Among those present at the initial meeting were the following twenty-one persons, who became charter members:

Kate Bond	Owen R. Lovejoy
Alfred Boulton	Helen Marot
John F. Busche	Francis J. C. Moran
Edward T. Devine	Bertha A. Rosenfeld
Richard T. Ely	Harriet Seager
Henry W. Farnam	Mary K. Simkhovitch
Robert Hunter	Charles Sprague Smith
Alvin S. Johnson	Mary A. Van Kleeck
Harriette A. Keyser	Adna F. Weber
John Brooks Leavitt	H. B. Woolston

Samuel McC. Lindsay

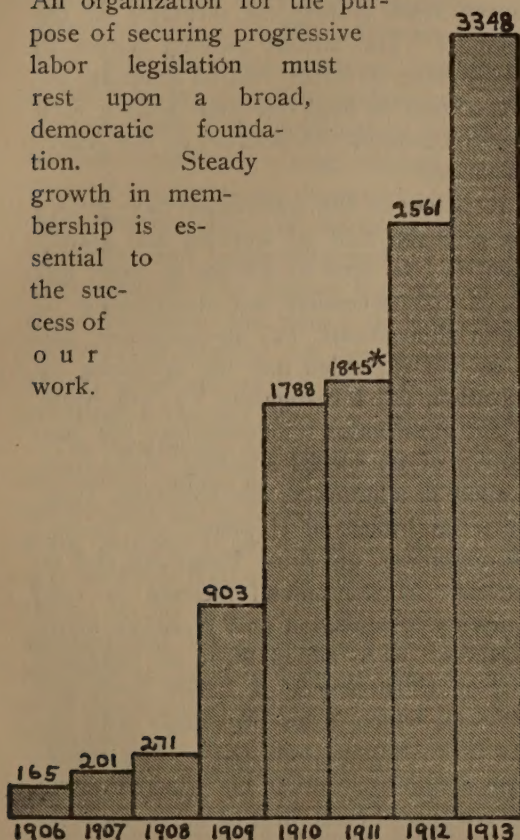
A number of other persons were present, but failed to make themselves known to the secretary of the meeting. Richard T. Ely of the University of Wisconsin was elected president of the Association, and Dr. Adna F. Weber of the New York State Department of Labor, secretary. The constitution adopted, which will be found in full on pages 517-519, declared the purposes of the organization to be, besides serving as the American branch of the International Association, the promotion of uniformity of labor legislation in the United States and the encouragement of studies of labor conditions with a view to promoting desirable measures.

By the end of the first year the membership had grown from twenty-one to 165, and at the time of the First Annual Meeting in Madison, Wisconsin, December, 1907, it was just over 200. The organization was, however, comparatively inactive, and it was not until 1908, under the direct encouragement of Professor Henry W. Farnam who was then president, that real constructive work was begun. Early in 1909 the full time services of a salaried secretary were secured, and from this point the increase of the Association both in size and in activity was rapid. In 1910 there were 1788 members and on January 1, 1914, there were 3348, representing nearly every state and territory, and also the Canal Zone, Cuba, Porto Rico, Hawaii, the Philippines, Canada, and several European countries. The work of the Association is supported entirely by membership dues and by additional voluntary contributions. The minimum annual membership fee for individuals was \$1 until 1911, when its increase to \$3 was accompanied by a gain in membership for the year. Associate members pay \$5 to \$25; contributing members, \$25 to \$100; and sustaining mem-



# GROWTH OF MEMBERSHIP, 1906-1913

An organization for the purpose of securing progressive labor legislation must rest upon a broad, democratic foundation. Steady growth in membership is essential to the success of our work.



bers, \$100 or more. At the beginning, the headquarters of the Association were in Albany, New York. In March, 1908, they were moved to Madison, Wisconsin, and early in 1910 to New York city, where they have since remained and where the growth of the Association during 1911 and 1912 necessitated removal to larger offices.

Following Professor Ely who held the office in 1906 and 1907, the Association has had as presidents Professor Henry W. Farnam of Yale University, 1908 to 1910 inclusive; Professor Henry R. Seager of Columbia University, 1911, 1912 and 1914; and Professor William F. Willoughby of Princeton University, 1913. Secretaries have

been Dr. Adna F. Weber, 1906; Professor John R. Commons of the University of Wisconsin, 1907 to 1909, inclusive; and Dr. John B. Andrews, who was executive secretary in 1909 and was then elected secretary, which post he still fills. Since 1909, also, the Association has had as assistant secretary Irene Osgood Andrews. There is a large General Administrative Council composed of the officers and of prominent economists, social workers, labor representatives and progressive business men, which holds

\* Minimum dues increased from \$1 to \$3, Jan 1, 1911.

two meetings yearly, one in connection with the annual meeting, and the other generally in Chicago in mid-summer. The Executive Committee, in which is vested the responsible business management of the Association, is chosen from among the members of the General Administrative Council. The annual meeting occurs in December usually along with those of other related scientific societies, and it has been the custom to hold one joint session each year with either the American Economic Association or the American Political Science Association.

As the membership and resources of the Association have grown it has been possible to increase the staff of workers and greatly to extend the scope of activities. In 1908 its scheme of work was classified under the heads of (1) collection and classification of data on legislation and judicial decisions, (2) investigation, and (3) publicity. By 1912 this had expanded into the following division of work: (1) organization, (2) investigation, (3) education, (4) legislation. Much of the Association's investigation has been carried on under the direction of its special standing committees, of which there have been eight in addition to the Executive Committee. The oldest one, that on Industrial Hygiene, was formed in 1908, and has two sub-committees, on Brass Poisoning and on Nomenclature of Occupations. At the annual meeting in 1909 the Committees on Workmen's Compensation and Woman's Work were appointed. In 1911 there were added those on Standard Schedules and Tabulations, on Enforcement of Labor Laws and on One Day of Rest in Seven, which latter also deals with the length of the working day in continuous industries. The American Section of the International Association on Unemployment was first organized in 1911 as a special committee of the Association and has always worked in close affiliation with it. In 1913 was established the Committee on Social Insurance with which later in the same year the Committee on Workmen's Compensation was merged.

A Bureau of Information has been maintained and has answered thousands of inquiries on practically every subject within the field of labor legislation. A specialized reference library has been collected and has been kept in constant use by the office staff, members, and other inquirers. A photographic exhibition on industrial diseases has been sent to different parts of the country

and has attracted much attention. A press service has been established and frequent articles on some phase of the Association's activities are sent out to a list of publications which has come to include over 900 newspapers, magazines and trade journals. Each year a number of public addresses are made by members of the staff, who have also appeared before legislative committees and at the hearings of public commissions.

Subscribers to the publications issued by the Association include, besides its members, a large number of labor and health bureaus, industrial commissions, manufacturing and insurance companies, trade unions, civic and social organizations, women's clubs, and university and public libraries. A monthly department on Labor Legislation in *The Survey* was started, and since January, 1911, the Association has issued its own quarterly AMERICAN LABOR LEGISLATION REVIEW. A large number of special leaflets, pamphlets, tables and compilations of laws have also been published, and are listed at the end of each of the following sections.

The Association has been active in the promotion of conferences on special phases of its work. Examples of these are the two conferences on Industrial Diseases, in June, 1910 and 1912, the First National Conference on Social Insurance in June, 1913, and the First National Conference on Unemployment in February, 1914. It has been regularly represented at the meetings of the International Association for Labor Legislation and at international meetings on allied subjects, notably at the International Congresses on Occupational Diseases, on Unemployment, and on Social Insurance.

An "Immediate Legislative Program" was first drawn up in 1911, and the drafting of bills, in which the Association usually works in cooperation with the Legislative Drafting Research Fund of Columbia University, has come to play a more and more important part among its activities. Closely connected with the Association's legislative campaigns is the work of its state branches and committees. The constitution was amended in 1907 to permit such organizations and the earliest one, that in Illinois, was formed in the following year. Others have been established in Minnesota, 1909, New York, 1909 (changed to New York Legislative Committee in 1912), and in Massachusetts, 1912. Informal state committees have also been organized in several states.



These local bodies have done good work in securing legislation suited to the special needs of their various localities. In Illinois the branch was influential in securing the workmen's compensation law, and largely through its efforts there was established the Illinois Commission on Occupational Diseases, whose pioneer investigation led to the enactment of a scientific law for the prevention of trade maladies. The branch was also active in opposing an amendment to the child labor law desired by the theatrical interests, and in upholding before the courts the ten-hour law for women when its constitutionality was attacked. The Massachusetts branch has assisted in securing the creation of the state board of labor and industries, and in obtaining a one-day-of-rest-in-seven law as well as a number of important amendments in the workmen's compensation act. Among the measures successfully introduced or supported by the Minnesota branch are those on workmen's compensation, reporting of occupational diseases, child labor, and minimum wage; the minimum wage law, drafted by the branch, is in some respects the most democratic in the country. In New York the local branch, now the legislative committee, took an active part throughout the long campaign which has finally resulted in the enactment of an adequate compulsory workmen's compensation law. Laws for the reporting of occupational diseases and for one day's rest in seven were also secured, and a close watch has been kept on all bills introduced which affect labor conditions, progressive measures being energetically supported while unsatisfactory ones are opposed. Sympathetic assistance has also been given to the state labor department in its difficult task of enforcing the law. The officers of the branches in 1914 were: Illinois, Professor James H. Tufts, president; Luke Grant, secretary; Massachusetts, Professor F. W. Taussig, president; Robert N. Turner, secretary; Minnesota, John A. Ryan, president; Don D. Lescohier, secretary; New York Legislative Committee, John Martin, chairman.

By an extensive distribution of letters and of printed matter the purposes of the Association and the need for its existence have been explained, and the number of those interested in its work have been correspondingly increased. A leaflet of general explanation and appeal was first issued in March, 1908, and many editions and revisions have followed.

CONSTITUTION  
OF THE  
AMERICAN ASSOCIATION FOR LABOR LEGISLATION

ADOPTED FEB. 15, 1906

Amended Dec. 30, 1907; Dec. 30, 1908; Dec. 29, 1909; Dec. 29, 1910.

ARTICLE I. NAME.

This Society shall be known as the American Association for Labor Legislation.

ARTICLE II. OBJECTS.

The objects of this Association shall be:

1. To serve as the American branch of the International Association for Labor Legislation, the aims of which are stated in the appended Article of its Statutes.
2. To promote uniformity of labor legislation in the United States.
3. To encourage the study of labor conditions in the United States with a view to promoting desirable labor legislation.

ARTICLE III. MEMBERSHIP.

Members of the Association shall be elected by the Executive Committee. Eligible to membership are individuals, societies and institutions that adhere to its objects and pay the necessary subscriptions. The minimum annual fees for individuals shall be three dollars, or five dollars if the member wishes to receive the Bulletin of the International Association. In states in which there is a State Association \$1 of the dues shall be paid over to the State Association. The minimum annual fee for societies and institutions shall be five dollars, and they shall receive one copy of the Bulletin, and for each two-dollar subscription an additional copy.

ARTICLE IV. OFFICERS.

The officers of the Association shall be a president, ten vice-presidents, a secretary and a treasurer. There shall also be a General Administrative Council consisting of the officers and not less than twenty-five or more than one hundred persons. The General Administrative Council shall have power to fill vacancies in its own ranks and in the list of officers; to appoint an Executive Committee from among its own members, and such other committees as it shall deem wise; to frame by-laws not inconsistent with this constitution; to choose the delegates of the Association to the Committee of the International Association; to conduct the business and direct the expenditures of the Association. It shall meet at least twice a year. Eight members shall constitute a quorum.

ARTICLE V. LOCAL SECTIONS.

Local Sections of this Association may be constituted in any state upon certification by the secretary and the Executive Committee. They shall, until

changed by section seven, be governed by the following by-laws:

SEC. 1. The name of this organization is the [*Name of State*] Association for Labor Legislation.

SEC. 2. Eligible to membership are members of the American Association for Labor Legislation residing in———. Members of the American Association for Labor Legislation became members of this Association by vote of the Executive Committee of this Association.

SEC. 3. The purpose of this Association is to promote the work of the American Association for Labor Legislation in general, also in special relation to the needs of the state of———.

SEC. 4. The Officers of this Association shall be a president, a vice-president, a secretary, and a treasurer, who, with three or more other members, shall constitute the Executive Committee.

SEC. 5. The Executive Committee shall administer the affairs of the Association and report at annual or called meetings of members of the Association. It shall be the duty of the Executive Committee to arrange programs for discussion of members, to institute and direct investigations, to take measures to increase the membership of the American Association for Labor Legislation, to promote publicity of the policies and recommendations of the American Association for Labor Legislation by publications and meetings.

SEC. 6. An annual meeting of the section for election of officers and for other business shall be held in October or November of each year.

SEC. 7. These by-laws may be amended at any annual or called meeting of the Association, notice of the proposed amendment having been sent to each member at least one month in advance.

#### ARTICLE VI. MEETINGS.

The annual meeting and other general meetings of members shall be called by the General Administrative Council and notice thereof shall be sent to members at least three weeks in advance. Societies and institutions shall be represented by two delegates each. The annual meeting shall elect the officers and other members of the General Administrative Council.

Meetings of the General Administrative Council shall be called by the Executive Committee. Notice of such meetings shall be sent to members of the Council at least three weeks in advance.

Amendments to the constitution, after receiving the approval of the General Administrative Council, may be adopted at any general meeting. Fifteen members shall constitute a quorum.

#### ARTICLE II OF THE STATUTES OF THE INTERNATIONAL ASSOCIATION DEFINING THE AIMS OF THE ASSOCIATION.

1. To serve as a bond of union to those who, in the different industrial countries, believe in the necessity of protective labor legislation.

2. To organize an International Labor Office, the mission of which will be to publish in French, German and English a periodical collection of labor



laws in all countries, or to lend its support to a publication of that kind. This collection will contain:

- (A) The text or the contents of all laws, regulations and ordinances in force relating to the protection of workingmen in general, and notably to the labor of children and women, to the limitation of the hours of labor of male and adult workingmen, to Sunday rest, to periodic pauses, to the dangerous trades;
- (B) An historical exposition relating to these laws and regulations;
- (C) The gist of reports and official documents concerning the interpretation and execution of these laws and ordinances.

3. To facilitate the study of labor legislation in different countries, and, in particular, to furnish to the members of the Association information on the laws in force, and on their application in different states.

4. To promote, by the preparation of memoranda or otherwise, the study of the question how an agreement of the different labor codes, and by which methods international statistics of labor may be secured.

5. To call meetings of international congresses of labor legislation.

#### BY-LAWS

1. *Committees.* The Council shall elect an Executive Committee, as well as Committees on Finance, Legislation, and Publicity, and such other committees as occasion may require.

2. *Powers of the Executive Committee.* The Executive Committee shall exercise, subject to the General Administrative Council, the powers of the Council in the intervals between its sessions.

3. *International Obligations.* The Executive Committee shall choose the members of Committees and Commissions and the reporters required by votes of the International Association.



## II

### OCCUPATIONAL HYGIENE



## Committee on Industrial Hygiene

W. GILMAN THOMPSON, *Chairman*

Professor, Medicine, Cornell University Medical College  
Author, *The Occupational Diseases*

WARREN COLEMAN

Visiting Physician, Bellevue and Allied Hospitals, New York

CHARLES L. DANA

Professor, Nervous Diseases, Bellevue Hospital Medical College  
Professor, Cornell University Medical College

DAVID L. EDSALL

Professor, Harvard Medical College  
Physician, Massachusetts General Hospital

HENRY BAIRD FAVILL

Professor, Medicine, Chicago Polyclinic  
President, Chicago Tuberculosis Institute

IRVING FISHER

Professor, Political Economy, Yale University  
Chairman, Committee of One Hundred on National Health

ALICE HAMILTON

Expert, United States Bureau of Labor Statistics  
Former Expert, Illinois Commission on Industrial Diseases

LEONARD W. HATCH

Statistician, New York State Department of Labor

JOHN H. HUDDLESTON

Member, National Association for Study and Prevention of Tuberculosis

WALTER G. HUDSON

Physician, E. I. du Pont de Nemours Powder Company

GEORGE M. PRICE

Director of Investigations, New York State Factory Investigating Commission  
Author, *The Modern Factory*

LINSLEY R. WILLIAMS

Deputy Commissioner, New York State Department of Health

CHARLES-EDWARD A. WINSLOW

Professor, Biology, College of the City of New York  
Chairman, New York State Commission on Ventilation

JOHN B. ANDREWS, *Secretary*

Secretary, American Association for Labor Legislation  
Author, *Phosphorus Poisoning in the Match Industry, Lead Poisoning in New York, etc.*

## OCCUPATIONAL HYGIENE

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To no part of its program for the better protection of industrial workers has the American Association for Labor Legislation devoted more attention than to occupational hygiene. As early as 1908 it appointed a national commission on industrial hygiene, and the following year it issued a special leaflet outlining the proposed investigation of occupational diseases. In 1909, also, it began its nation-wide investigation of phosphorus poisoning in the match industry, the results of which were published a year later by the United States Bureau of Labor. This report was among the first to arouse American public attention to the fact that occupational diseases existed in this country as well as in Europe, and required immediate consideration. Within a month the Association had introduced a bill in Congress levying a prohibitive tax upon matches made of poisonous phosphorus, and on April 9, 1912, after two years of spirited educational campaigning and several hearings before Congressional committees, the "phossy jaw" bill was signed by President Taft. This use of the taxing power for the protection of industrial workers was the first instance in America of the use of taxation for reform instead of for politics. A measure specifically prohibiting poisonous phosphorus matches was enacted in Canada in 1914, with the Association's assistance.

The First National Conference on Industrial Diseases met at the call of the Association in Chicago on June 10, 1910. "The present situation of our Association," said Professor Henry W. Farnam of Yale University, then president, in his opening address, "is like that of a watchman on a high tower. He does not know exactly how the attack is to be made but he knows enough to justify him in giving the alarm and in advising that scouts be sent out to ascertain more precisely the strength and position of the foe. In this warfare against industrial diseases we need the cooperation of many different people. This is a warfare in which science, labor, business enterprise and the government must all unite."

Addresses were delivered by experts and leaders in many fields of investigation, and at the close of the conference as an expression of the spirit of those who had attended from widely separated parts

of the United States, the following resolution was unanimously adopted:

*Resolved*, That a special committee of five, who shall have power to add to their number, be herewith appointed by the president of the American Association for Labor Legislation to call upon the President of the United States and present to him at an early date a carefully prepared memorial of facts and conclusions, emphasizing the urgent necessity and practical expediency of a national expert inquiry into the whole subject of industrial or occupational diseases—their relative degree of frequency in various trades and occupations, the causes responsible for their occurrence, the methods desirable and practicable for their prevention or diminution, and all other matters having a relation thereto, including methods of amelioration and relief.

#### MEMORIAL ON OCCUPATIONAL DISEASES

In accordance with the resolution, the following committee was appointed: Henry Baird Favill, M.D., president Chicago Tuberculosis Institute, chairman; Frederick L. Hoffman, statistician Prudential Insurance Company of America, Newark; David L. Edsall, M.D., of Philadelphia; Frederick N. Judson, of St. Louis; and Charles R. Henderson, University of Chicago, secretary Illinois Commission on Occupational Diseases.

The committee promptly organized, and on September 29 was able to present its memorial to the President. Although hampered by lack of official American statistics on sickness, the committee estimated, on the basis of the German experience, that among 33,500,000 occupied persons in the United States there were lost every year 284,750,000 days through illness, at an economic loss of \$772,892,860. Assuming that at least one-quarter of the illness was due to strictly preventable causes, it was estimated that by deliberate efforts no less than \$193,000,000 could be saved to the nation annually. Plans were presented for further study by a commission of experts representing preventive medicine, medical practice, sanitary engineering, industrial chemistry, and applied statistics. The United States Bureau of Labor at this time extended its work in the field of industrial hygiene and shortly thereafter arranged for continuous investigations of occupational poisons.

#### REPORTING OF DISEASES

Feeling that proper progress in combating industrial disease could not be made without official data, the Association in November, 1910,



began its propaganda for the compulsory reporting of diseases due to occupation. In March, 1911, the first American law on this subject was secured in California, and was quickly followed by similar legislation in five additional states. Within five years, as the result of vigorous and sustained effort, fifteen states<sup>1</sup> require physicians to report cases of occupational disease coming under their notice, and no fewer than nine<sup>2</sup> of these states have adopted the Association's standard certificate or reporting blank for occupational diseases. An appeal for a clinic and hospital for such diseases, issued in 1910, indicates another phase of the Association's activity.

#### FURTHER PUBLIC DISCUSSIONS

At the Fourth, Fifth, and Sixth Annual Meetings (St. Louis, December 28-29, 1910; Washington, December 28-30, 1911; Boston, December 27-28, 1912) a large part of the sessions was devoted to industrial hygiene problems, addresses being delivered by such recognized authorities as Dr. Alice Hamilton, Frederick L. Hoffman, and S. C. Hotchkiss of the United States Bureau of Mines. These addresses and the keen discussions which followed them were later published in full in the proceedings of the meetings, and received wide circulation. The Second National Conference on Industrial Diseases, held at Atlantic City, June 3-5, 1912, was attended by practicing physicians, state and federal public health officials, medical inspectors of factories, physiologists, investigators and statisticians, manufacturers, efficiency engineers, insurance experts, labor leaders, economists and social workers. Through an industrial hygiene exhibit, the first extensive display of its kind in America, industrial processes dangerous to health, and the results of these peculiar work hazards upon those subjected to them were graphically placed before the audience, many of whom thus learned for the first time of the devastating effects of "phossy jaw," lead poisoning, compressed-air illness and numerous occupational eye and

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<sup>1</sup> California, Connecticut, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania and Wisconsin.

<sup>2</sup> California, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio and Wisconsin.

# MAIN PROVISIONS OF EXISTING LAWS RELATIVE TO REPORTING OF OCCUPATIONAL DISEASES\*

STATE	DISEASES TO BE REPORTED	REPORTS TO INCLUDE	TO WHOM TO REPORT	PENALTY
<b>California</b> C. 485, Laws 1911. In effect, June 20, 1911.	Anthrax, compressed air illness, and poisoning from lead, phosphorus, arsenic or mercury, or their compounds.	Name and full postal address and place of employment of the patient, and the disease.	State Board of Health, and thereby transmitted to the State Commissioner of Labor.	Not more than \$10.
<b>Connecticut</b> H. B. 250, Acts 1911. In effect, Sept. 1, 1911. Am'd by C. 14, Laws 1913. In effect, April 22, 1913.	Same as California, and brass and wood-alcohol poisoning.	Same as California.	State Commissioner of Labor.	Same as California.
<b>Illinois</b> C. 82, Laws 1911. In effect, July 1, 1911.	Law is obscure, but apparently includes poisoning from "sugar of lead, white lead, lead chromate, litharge, red lead, arsenate of lead or paris green," and "the manufacture of brass or the smelting of lead or zinc."	Name, address, sex and age of employee; name of employer and last place of employment; nature, probable extent and duration of the disease.	State Board of Health, and thereby transmitted to State Department of Factory Inspection.	First offense, \$10 to \$100; subsequent offense, \$50, to \$200.
<b>Maine</b> C. 82, Laws 1913. In effect, July 11, 1913.	Same as California (and "any other ailment or disease contracted as a result of" the patient's employment).	Same as California (and "the nature of the occupation" and "such other specific information as may be required by the State Board of Health").	State Board of Health.	\$5-\$10.
<b>Maryland</b> C. 165, Laws 1912. In effect, Apr. 8, 1912.	Same as Maine.	Same as Maine.	Same as California.	Same as California.
<b>Massachusetts</b> C. 813, sec. 6, Laws 1913. In effect, June 16, 1913.	"Any ailment or disease contracted as a result of the nature . . . of the patient's employment"—if required by the joint board of the State Board of Labor and Industries and the Industrial Accident Board.	To be determined by the joint board.	State Board of Labor and Industries, and thereby transmitted—upon request—to the State Board of Health and the Industrial Accident Board.	Not more than \$100 for each offense.
<b>Michigan</b> No. 119, Acts 1911. In effect, Aug. 1, 1911.	Same as California.	Same as California (and "the length of time of such employment").	Same as California.	Not more than \$50.
<b>Minnesota</b> C. 21, Laws 1913. In effect, July 1, 1913.	Same as California.	Same as California, (and "such other specific information as may be required by the commissioner of	Commissioner of Labor.	\$10, or imprisonment for not more than 10 days.

<b>Missouri</b> H. B. 536, Laws 1913. In effect, June 23, 1913.	Poisoning from "antimony, arsenic, brass, copper, lead, mercury, phosphorus, zinc, their alloys or salts or any poisonous chemicals, minerals, acids, fumes, vapors, gases, or other substances".	Same as California.	Name, address and business of employer, all the diseases the employee has, their probable duration, name and business of employee, last place and length of employment.	State Board of Health, and thereby transmitted to the state factory inspector and the superintendent of the factory.	Not less than \$50.
<b>New Hampshire</b> C. 118, Laws 1913. In effect, July 1, 1913.	Same as California.	"Name, address and occupation of the patient, name, address and business of the employer, nature of the disease, and such other information as the state board of health may reasonably require".	Same as California.	Same as California.	For each offense, \$5.
<b>New Jersey</b> C. 351, Laws 1912. In effect, July 4, 1912.	Same as California.	Same as Maryland.	Same as California.	Same as California.	For each offense, \$25.
C. 162, Laws 1914. In effect, Oct. 1, 1914.	Lead poisoning.	Same as New Hampshire (and "probable extent of disease.")	State Department of Labor, State Board of Health, and the employer.	For each offense \$50.	
<b>New York</b> C. 258, Laws 1911. In effect, Sept. 1, 1911. Am'd by C. 145, Laws 1913. In effect, Oct. 1, 1913.	Same as Connecticut.	Same as California ("with such other and further information as may be required by the Commissioner of Labor").	State Commissioner of Labor.	Same as California.	
<b>Ohio</b> H. B. 187, Laws 1913. In effect, April 23, 1913.	Same as Connecticut, (and "any other ailment or disease contracted as a result of" the patient's employment).	Same as New Hampshire.	State Board of Health, thereby transmitted to "the proper official having charge of factory inspection".	None.	
H. B. 483, Laws 1913. In effect, Oct. 1, 1913.	Lead poisoning.	Same as above (and "probable extent of disease").	State Department of Factory Inspection, State Board of Health, and the employer.	\$10-\$100.	
<b>Pennsylvania</b> No. 851, Laws 1913. In effect, Oct. 1, 1913.	Lead poisoning.	Same as New Hampshire (and "probable extent of disease").	State Department of Labor and Industry, State Department of Health, and the employer.	\$10-\$100.	
<b>Wisconsin</b> C. 252, Laws 1911. In effect, June 5, 1911.	Same as California (except that "anthrax" is omitted).	Same as California.	State Board of Health.	Same as California.	

\* In all states except Illinois, Missouri and Pennsylvania the obligation to report falls upon every medical practitioner or physician; in the three states named (and in Ohio and in New Jersey under the second of the two acts above analyzed for each state) it falls upon any physician making the required monthly examination of employees in certain specified industries. In all states except California and Connecticut, where a fee of fifty cents is allowed, no compensation for reports is paid by the state.

skin diseases. The photographs, charts and drawings were effectively supplemented by stereopticon illustrations made by a new process in color photography. Finally, through the medium of a joint meeting with the American Medical Association, that powerful organization, for the first time in the sixty-six years of its existence, was definitely pledged to official recognition of the industrial disease problem and to giving it a place on its annual program.

#### THE LEAD MENACE

Following its successful campaign against poisonous phosphorus in the match industry, the Association next turned its attention to the lead menace which hangs over 150 common trades and occupations. In December, 1911, the secretary's report on *Lead Poisoning in New York* was published by the federal Bureau of Labor. A special investigator, Miss Lillian Erskine, was also put in the field, whose studies, supplemented by numerous round table conferences with representative paint and color manufacturers, matured into the well-named "cleanliness bill" for the prevention of occupational diseases, with special reference to lead poisoning. This measure became law in Ohio and in Pennsylvania in 1913, and in 1914, after numerous supplementary studies among smelter, white lead and pottery employees, was adopted in New Jersey.

#### COMPRESSED AIR AND FERROSILICON

Early in 1914 a series of conferences was begun which resulted in the drafting of a standard bill for the protection of tunnel and caisson workers from compressed-air illness. As it left the conference, the project had the endorsement of contractors, physicians and labor department inspectors as well as of the "sand-hogs" themselves, and was enacted without change in New Jersey before the close of the legislative session. A special investigation into the nature and dangers of ferrosilicon was carried on through the cooperation of Professor Charles Pellew, during 1914, and the report in printed form will be submitted to the International Association for Labor Legislation at its next meeting.

#### THE COMPENSATION MOVEMENT

It is now recognized on all sides that the chief aim of laws for the compensation of injured workmen is not the mere payment of a



money indemnity but the prevention of the disabling injury. In order to secure the powerful assistance of this type of legislation in its campaign for the reporting and prevention of trade illnesses, the Association has embodied in its *Standards for Workmen's Compensation Laws*, and also in its bill now before Congress for the compensation of federal employees, the principle that diseases due to occupation are to be compensated on the same terms as accidents. In promoting this campaign of education and legislation the Association distributed ten thousand copies of a pamphlet on *Compensation for Occupational Diseases* prepared by the secretary.

#### OCCUPATIONAL DISEASE COMMITTEE

The Association's Committee on Industrial Hygiene for 1914 includes in its membership many of the foremost physicians, chemists, economists, investigators and statisticians in the country. Dr. W. Gilman Thompson, of Cornell Medical School, is chairman, and with him are associated Dr. Warren Coleman, Bellevue and Allied Hospitals; Dr. Charles L. Dana, Cornell University Medical College; Dr. David Edsall, Harvard Medical College and Massachusetts General Hospital; Dr. Henry B. Favill, Chicago Tuberculosis Institute; Professor Irving Fisher, Yale University; Dr. Alice Hamilton, United States Bureau of Labor Statistics; Leonard W. Hatch, New York Department of Labor; Professor C.-E. A. Winslow, New York City College; Dr. George M. Price, Dr. John H. Huddleston, Dr. Linsley R. Williams and Dr. Walter G. Hudson, of New York City; and John B. Andrews, secretary. Under the committee's guidance a condensed nomenclature of occupations for the use of hospitals and dispensaries is being drafted, plans are under formulation for an occupational disease clinic, and the secretary is at work on an investigation of occupational anthrax in America. Much interest was also taken in the campaigns for the establishment of a federal museum of industrial safety and hygiene and for the branding of wood alcohol as a poison. Members of the committee have also made trips of inspection to several hat factories and brass foundries.

To the research staff of the Association has been added a physician, under whose direction a number of cooperative investigations of industrial health risks are in progress.

## COOPERATION WITH OTHER ORGANIZATIONS

Throughout its work in the industrial hygiene field the Association has worked in close cooperation with other organizations both in America and abroad. Together with other national sections of the International Association for Labor Legislation, it has assisted in drafting and revising from time to time the international list of industrial poisons. This list was published in Bulletin 100 of the United States Bureau of Labor (May, 1912), and contained, besides the names of the fifty-four main poisons, the branches of industry in which the poisoning occurred, the mode of entrance into the body, the symptoms, and special measures of relief. The list has repeatedly been republished in this country by other organizations, recently by the Ohio State Board of Health. In addition to holding its own meetings on industrial hygiene, the Association was represented at the International Congress on Occupational Diseases at Brussels in 1910, at the third International Congress on Medical Accidents, at Düsseldorf, Germany, in August, 1912; at the fifteenth International Congress of Hygiene and Demography at Washington, in September of the same year; at the annual meeting of the American Public Health Association at Colorado Springs, Colo., in September, 1913; and is regularly represented in the annual sessions of the National Conference of Charities and Correction. Calls for lectures by members of the staff are frequent, and the industrial hygiene department of the library is in almost daily use by students of the problem. The Association's special exhibit on industrial hygiene was loaned during 1913 in Ohio, Maryland and New York, and is on constant exhibition at headquarters, where it arouses much interest. Photographs and illustrations are continually being loaned to individuals, societies, magazines and newspapers.

## PUBLICATIONS

In the course of its industrial hygiene campaign, the following reports and leaflets have been issued by the Association:

March 1909—Leaflet No. 1, on Industrial Hygiene (1 p.).

May 1910—Report on Phosphorus Poisoning, by the secretary, published by United States Bureau of Labor (115 p.).

May 1910—Pamphlet on Industrial Diseases and Occupational Standards (9 p.).

July 1910—Proceedings of First National Conference on Industrial Diseases. Introductory address (3 p.); Importance of Industrial Hygiene (2 p.); Phosphorus Poisoning in Manufacture of Matches (8 p.); Occupational Diseases in Illinois (8 p.); Lead Poisoning (13 p.); Problem and Extent of Industrial Diseases (18 p.).

August 1910—Review of Labor Legislation of 1910, containing Health (2 p.).

November 1910—Appeal for clinic and hospital for occupational diseases (1 p.).

January 1911—Leaflet No. 4, urging compulsory reporting of occupational diseases (4 p.).

January 1911—Proceedings of Fourth Annual Meeting, containing Lead Poisoning in Illinois (10 p.); Neurasthenia in Garment Workers (7 p.); Industrial Diseases in America (6 p.); Mercurial Poisoning in New York and New Jersey (5 p.); Medical Inspection of Factories (2 p.); Memorial on Occupational Diseases (19 p.).

February 1911—Leaflet No. 5, on "Phossy Jaw" (4 p.).

April 1911—Pamphlet on Industrial Diseases and Physicians (7 p.).

June 1911—Analysis of Comfort, Health and Safety Laws in Factories (60 p.); Legal Protection from Injurious Dusts (7 p.); Ventilation—Air Space, Humidity and Temperature (4 p.); Factory Lighting (4 p.); Protection from Gases, Fumes and Vapors (2 p.).

July 1911—Pamphlet on Diseases of Occupation (7 p.).

October 1911—Review of Labor Legislation of 1911, containing Accidents and Diseases (52 p.).

November 1911—Pamphlet on Protection against Occupational Diseases (6 p.).

December 1911—Pamphlet on The Beginning of Occupational Disease Reports (7 p.).

December 1911—Leaflet on A Match Worker (1 p.).

December 1911—Report on Lead Poisoning in New York, by secretary, published by United States Bureau of Labor (23 p.).

December 1911—Standard certificate for occupational disease reports (2 p.).

February 1912—Proceedings of Fifth Annual Meeting, containing Occupational Diseases in the Mining Industry (9 p.).

February 1912—Leaflet No. 6, on Phosphorus Poisoning (8 p.).

June 1912—Proceedings of Second National Conference on Industrial Diseases. Classification of Occupational Diseases (7 p.); Compressed Air Illness (14 p.); Occupational Skin Diseases (11 p.); Occupational Nervous and Mental Diseases (6 p.); Occupational Eye Diseases (8 p.); Industrial Poisoning (4 p.); Cooperation in Promoting Industrial Hygiene (7 p.); Intensive Investigations in Industrial Hygiene (9 p.); Compulsory Reporting by Physicians (9 p.); Lead Poisoning in New York City (8 p.); Function of Hospitals and Clinics in the Prevention of Industrial Disease (4 p.); Temperature and Humidity in Factories (8 p.); Air Impurities—Dusts, Fumes and Gases (7 p.); Effects of Confined Air upon the Health of Workers

(5 p.); Education for the Prevention of Industrial Diseases (10 p.); Notification of Occupational Diseases (7 p.); Medical Inspection of Factories in Illinois (4 p.); Compressed Air Illness in Caisson Work (6 p.); Legal Protection for Workers in Unhealthful Trades (7 p.); Bibliography on Industrial Hygiene (48 p.).

October 1912—Review of Labor Legislation of 1912, containing Accidents and Diseases (20 p.).

December 1912—Immediate Legislative Program, containing Protection from Lead Poisoning (7 p.); Uniform Reporting of Accidents and Diseases (18 p.); Investigations into Industrial Hygiene and Safety (4 p.).

January 1913—Leaflet No. 8, on Uniform Reporting of Occupational Diseases (4 p.).

January 1913—Leaflet No. 9, on Prevention of Occupational Diseases with Special Reference to Lead Poisoning (8 p.).

February 1913—Proceedings of Sixth Annual Meeting, containing Proposed Regulations for the Protection of Lead Workers (4 p.); Needed Legislative Changes Requiring the Notification of Accidents and Diseases (6 p.).

February 1913—Leaflet on The Cleanliness Bill (1 p.).

March 1913—Leaflet, Demand Immediate Passage of Bill to Prevent Lead Poisoning (1 p.).

March 1913—Leaflet on Lead Poisoning (1 p.).

June 1913—Pamphlet on Occupational Diseases and Legislative Remedies (16 p.).

October 1913—Review of Labor Legislation of 1913, containing Accidents and Diseases (49 p.).

November 1913—Leaflet No. 13, on Protection for Compressed Air Workers

January 1914—Table of Main Provisions of Existing Laws Relative to Reporting Occupational Diseases (1 p.).

October 1914—Review of Labor Legislation of 1914, containing Accidents and Diseases (19 p.).



## UNIFORM REPORTING OF OCCUPATIONAL DISEASES

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Every person in the community is directly concerned in scientific efforts to conserve the health, vitality, energy, and industrial efficiency of wage-earners. This interest is particularly apparent in cases of suffering and inefficiency due to unhealthful conditions of employment in occupations in which deadly poisons are in use.

The problem as we know it is a new one. For centuries, it is true, it has been recognized in some vague way that persons who handled lead contracted colic, and that makers of mirrors grew palsied. But it is only recently that society has awakened to the appalling magnitude of the evil under present industrial methods.

Scientific inquiry has already done much. The substances and conditions which incapacitate the worker are now fairly well known. The symptoms and results of particular poisons are the subject of a growing mass of scientific and popular literature.

But in what industries are those hazards most prevalent? How many workers are affected by them? How many die? Of how great duration is the incapacity of those who escape death? What lasting disfigurement or disability does the disease leave upon them? Are conditions improving or growing worse? Is occupational disease necessary to our civilization or can it be completely abolished? On all of these questions our information, until recently, has been almost *nil*.

*Facts* are needed. At present we have but few real records, and, as the kingdom was lost for the want of a horseshoe nail, so the whole problem of agitation, education, factory sanitation and legislation upon this topic is halted, and workers unnumbered are smitten with trade diseases yearly, all for the want of a little fundamental information.

### LEAD POISONING

The most prevalent of all occupational poisonings today, as well as perhaps the earliest to be recognized in history, is lead poisoning. Those most frequently afflicted are painters, makers of white and red lead, lead paints and storage batteries, and stereotypers. In nearly 150 trades the "menace of lead," as it has well been called, is present. The attack brings on paroxysms of colic, with vomiting. The nervous system is invaded, convulsions are frequent, and partial paralysis or insanity may ensue. "Wrist-drop" is one of the most striking results. Progressive hardening of the blood vessels leads often to cerebral hemorrhage and death. Young girls and women are peculiarly suscept-

ible, most authorities holding that the poison has disastrous effects upon the offspring.

### **PHOSPHORUS POISONING**

The match industry is the principal one in which the loathsome disease of phosphorus poisoning occurs. The fumes attack the bones and teeth of the workers. By the Esch-Hughes bill, signed by President Taft, April 9, 1912, a prohibitive tax was placed upon poisonous phosphorus matches. Reporting of any cases of "phossy jaw" will, however, act as a valuable aid in the enforcement of the law.

### **ARSENIC POISONING**

In the manufacture of dyes, wall paper, artificial flowers, chemicals, glass, oil cloth and many other products, arsenic endangers the health of the workers. Vomiting, severe pain in the intestines and intense thirst are among the symptoms of acute poisoning. Death resembling that of cholera may result. The disease in chronic form causes a falling off of hair and nails, various malignant skin eruptions, inflammation of the mucous membrane, bleeding gums, cerebral disturbances, neuritis and paralysis.

### **BRASS POISONING**

This is the familiar "brass founders' ague" prevalent among men who melt and pour brass. It gets its name from its having, like malaria, three stages—the shivering, hot and perspiring. It is characterized by a sudden onset of trembling, sense of cold and depression, shivering and chattering of the teeth, followed in the same day by fever and vomiting. Nervousness and weakness persist a day or two longer. On resuming work, the sufferer is peculiarly liable to recurrence of the malady.

### **WOOD ALCOHOL POISONING**

Industrial wood alcohol poisoning attacks varnishers and furniture finishers, lacquerers, hatters and others. It arises when a cheap grade of varnish or shellac is used, in which wood alcohol is employed instead of grain alcohol as a "cutting" agent. Breathing the fumes results in splitting headache, nausea, abdominal pains, vomiting and unconsciousness. Partial or total blindness, or death, is the frequent outcome.

### **MERCURY POISONING**

The principal injury from mercury is done in the manufacture of hats, thermometers, electric meters and explosives. It brings on morbid depression, ulceration of the gums, vomiting, intestinal derangement, anemia, and, in time, general nervous paralysis. The peculiar mercury muscular tremor, or "shakes," is a striking feature of the disease.

# THIS OCCUPATIONAL DISEASE HAS BEEN ABOLISHED

THROUGH THE EFFORTS OF THE ASSOCIATION FOR LABOR LEGISLATION



ROSE C.

This young mother, to support her children after their father's death, went to work in a match factory. After four years' work she had to have her upper jaw cut out. At the age of 36 she was forced to look for work suited to the strength of a woman who must subsist the remainder of her life on liquid food.



JOHN W.

After working one year and four months in an Ohio match factory he contracted "phossy jaw," and underwent an operation. He sued the corporation but received not one penny.



BARTILOMEY P.

Worked in a New Jersey match factory. At the age of 28 his entire lower jaw rotted out, necessitating an operation which kept him in the hospital fifty-nine days.

## "PHOSSY JAW"

THE DISEASE WHICH FORMERLY MENACED WORKERS IN  
MATCH FACTORIES WHERE POISONOUS PHOSPHORUS WAS USED





**ANTHRAX**

Anthrax is due to the introduction into the human body of a minute bacillus that clings to the hides of diseased animals. In the wool, leather and horse-hair industries the malady is prevalent. Malignant pustules occur generally upon the neck and face of the victims, the eyelids being especially susceptible. A pulmonary form of anthrax frequently results in death. When a patient becomes infected with a malignant form the cure is rare.

**COMPRESSED AIR ILLNESS**

The increasing amount of caisson work connected with the building of bridges, tunnels, subways and skyscrapers, has made this disease, commonly called the "bends," a formidable one. The medical director of the Pennsylvania-East River tunnels, reported 3,692 cases, 20 fatal. Men working under 30 pounds' pressure or more, beyond the normal, if not "locked" back gradually, have a "frothing in the blood" which oftentimes renders them unconscious. Blood sometimes runs from the eyes, nose and ears, and the pains in joints and muscles are excruciating. Paralysis and death are not uncommon.

**REPORTING—THE KEY TO THE FACTS**

The prevalence of some of these diseases has been reported on by federal and state commissions, and by private investigators. Of the prevalence of others we know practically nothing. To remedy this ignorance fifteen states have made a beginning by passing, since 1911, laws requiring physicians treating cases of specified occupational ailments to send to the proper state authorities a record of each case with the essential facts concerning it. Of the New York law Commissioner Williams of that state said:

"This law has been in effect for a little more than a year, and we are beginning to find out what employments are surrounded by dangers that are almost invisible, but none the less terribly real and a menace to the persons engaged in such employments. The information that comes into our possession enables us to call direct attention to conditions in factories which threaten the health of the workers."

A standard uniform bill dealing with this phase of the campaign against needless loss of life and health has been prepared for introduction in all states [see following page] by the American Association for Labor Legislation. It is being rapidly introduced in the state legislatures, and every person and organization is urged to co-operate in securing this much needed legislation.

## STANDARD BILL FOR OCCUPATIONAL DISEASE REPORTS.

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AN ACT to require the reporting of certain occupational diseases, and to provide for its enforcement.

*Be it enacted, etc., as follows:*

### SECTION 1. *Report of Occupational Diseases.*

Every physician in this State attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, brass, wood-alcohol, mercury or their compounds, or from anthrax, or from compressed-air illness, or any other ailment or disease, contracted as a result of the nature of the patient's employment, shall within 48 hours send to the state board of health a report stating:

- (a) Name, address and occupation of patient.
- (b) Name, address and business of employer.
- (c) Nature of disease.
- (d) Such other information as may be reasonably required by the state board of health.

The reports herein required shall be on or in conformity with the standard schedule blanks hereinafter provided for. The posting of the report, within the time required, in a stamped envelope addressed to the office of the state board of health, shall be a compliance with this section.

### SECTION 2. *Blanks for Reports.*

The state board of health shall prepare and furnish, free of cost, to the physicians included in Section 1, standard schedule blanks for the reports required under this act. The form and contents of such blanks shall be determined by the state board of health.

### SECTION 3. *Reports Not Evidence.*

Reports made under this act shall not be evidence of the facts therein stated in any action arising out of the disease therein reported.

### SECTION 4. *Penalty.*

Any physician who neglects or refuses to send the report or reports as herein required shall be liable to the State for a penalty of \_\_\_\_\_ dollars for each offense, recoverable by civil action by the state board of health.

### SECTION 5. *Transmission of Reports.*

It shall furthermore be the duty of the state board of health to transmit a copy of all such reports of occupational disease to the (proper official having charge of factory inspection).

### SECTION 6. *Time of Taking Effect.*

This act shall take effect on the first day of ———, 19—.

## PREVENTION OF OCCUPATIONAL DISEASES WITH SPECIAL REFERENCE TO LEAD POISONING.

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Of all industrial poisons which now cause unnumbered cases of those peculiar maladies known as diseases of occupation, the most important is lead. Its use in approximately 150 industries exposes thousands of American workers daily to the risk of lead poisoning.

### NATURE OF THE EVIL.

Industrial lead poisoning (saturnine poisoning, plumbism or "leading") is usually the cumulative result of the daily entry of minute quantities of lead into the system. These may be breathed in the form of dust, swallowed in the saliva, or eaten in food contaminated by dusty or paint-smearred hands. Day by day the organs of the body strive to eliminate the lead through the channels of excretion; but when the system has been impregnated then comes a convulsive effort to get rid of the poison, and agonizing colic or acute brain symptoms develop, or a general physical breakdown ensues. The usual warning of chronic lead poisoning is a blue line on the gums; the first symptoms are loss of appetite, indigestion, headache, constipation, extraordinary pallor (for lead reduces the red blood corpuscles from 30 to 50 per cent), loss of weight and muscular force, and gouty or rheumatic pains. With the slow starvation of liver, kidneys and heart, abnormal blood pressure develops, and frequently there is paralysis of wrists and ankles, or of the whole body. When the brain is affected, epileptic attacks, violent insanity and fatal convulsions may occur. Lead also affects the reproductive organs, and its influence is peculiarly disastrous to adolescents and to women.

### EXTENT OF THE EVIL IN THE UNITED STATES.

While foreign records of lead poisoning are based on an accurate system of compulsory reports, our investigators must rely on hospital and dispensary records (which commonly cover not more than one case out of every four); on physicians' incomplete memoranda; and on the personal statement of a shifting, often foreign-speaking class of employees.

But in the United States Bureau of Labor Bulletin, No. 95, Dr. Hamilton reports 398 specific cases of lead poisoning among the workers (some 1,400)

in 22 of our 25 white lead plants, with 16 fatal cases between January 1, 1910, and April 30, 1911. In the same Bulletin, Dr. Andrews gives a list of 60 fatal cases of lead poisoning reported by physicians for the state of New York during 1909 and 1910. A hasty study of plumbism in New York City showed 376 cases during 1909, 1910, 1911. The Illinois Commission on Occupational Diseases credits 578 cases to that state during 1908, 1909, 1910. The United States Bureau of Labor, in Bulletin 104, reports for 1910-1911, Dr. Hamilton's discovery of 60 cases of lead poisoning among 796 men employed in 40 white ware potteries, and 43 cases among 150 women in the same works; 63 cases among 304 men employed in 18 yellow ware, art and utility ware and tile works, and 35 cases among 243 women in the same works; and 309 cases among the 1,012 men employed in the porcelain enameled iron sanitary ware factories. Out of 148 enamelers and mill-hands, specifically examined, 36 per cent were found to be suffering from chronic lead poisoning.

#### SATISFACTORY RESULTS OF FOREIGN SANITARY CONTROL OF THE LEAD TRADES.

The increasing elimination of dust and fume from the English and Continental lead trades, together with the legal enforcing of habits of personal cleanliness among the lead workers, is reducing plumbism in a marked degree.

An Austrian smelter record of 73 per cent of all employees "leaded" (under old conditions) measured against 3/10 of one per cent of all employees under sanitary control; or a white lead factory record of 31 per cent of all employees "leaded" measured against 0 per cent of all employees under sanitary control; or a potteries' report of 28 per cent of all employees "leaded" measured against 8/10 of one per cent under the present system, are stated as typical examples of what can be achieved.

While individual carelessness must always remain a factor in the prevalence of poisoning while lead is used, it is now believed that the employer can so protect his workers as almost to neutralize the danger of the materials handled. This is being demonstrated in Illinois by the same methods as those in vogue abroad; and the satisfactory results which have followed the enactment of laws for the protection of those exposed to lead dust and lead fume are a conclusive argument in favor of uniform laws for the control of these industries in the United States.



**RELATION OF LEGISLATION TO PLUMBISM.****EUROPEAN.**

White lead factories in Dusseldorf employ 150 men; examining physician reports 2 cases in 1910.

English white and red lead factory employs 90 men; no case of poisoning in five successive years.

At the Hart Accumulator Works in London (storage batteries) 80 to 100 men are employed; no case for over a year.

Government factory inspection in Staffordshire potteries reports 13 cases among 786 male dippers in one year.

Poisoning in all potteries, Great Britain, 1910:

Males employed (1907).....	4,504
Cases (1910) .....	40
Females employed (1907)....	2,361
Cases (1910) .....	37
Total employees (1907)....	6,865
Total cases (1910).....	77
Ratio of cases to employees, 1	to 89.

**AMERICAN.**

American white lead factory employs 170 men; 60 cases in 1911.

American white and red lead factory employs 85 men; doctors' records for six months show 35 men "leadcd."

Storage battery plant in Chicago employs 15 men; two cases of poisoning in nine months.

An American Local Dippers' Union reports that 13 men out of a local of 85 dippers, had 16 attacks of lead poisoning in one year.

Poisoning in only part of potteries in United States for 1911:

Males employed .....	1,100
Cases .....	87
Females employed .....	393
Cases .....	57
Total employees .....	1,493
Total cases .....	144
Ratio of cases to employees, 1	to 10.

**OBJECT OF THE STANDARD BILL**

The purpose of the standard bill for uniform state legislation [see following pages] is to lessen the prevalence of occupational diseases, and especially to protect certain workers from the dangers of lead poisoning. It has already been adopted in the most important lead-using states, New Jersey, Ohio, and Pennsylvania, and with modifications in Missouri. Some of its main provisions were previously in force in Illinois. In New Jersey it applies not only to lead works but to plants engaged in the manufacture of pottery, tiles or porcelain enameled sanitary ware. While all uncontrolled lead trades offer risk to the employees, exposure to dust and fume from the important lead salts mentioned in the bill is recognized as extra-hazardous, and their manufacture and handling is under strict governmental regulations in Great Britain, Germany, the Netherlands, Belgium, Switzerland, Denmark and France.

While general legislation is required in the United States to cover approximately 150 trades in which lead poisoning may occur, it has been deemed best to ask first for legislation regarding only those industries concerning which we have specific American data. The remedies proposed for the dangers arising from the manufacture and handling of lead salts are based on approved European measures, and those already in force in Illinois, and voluntarily adopted in several American factories. They are the result

of months of careful study of the subject, and have the endorsement of practical lead men, engineers, and scientific and medical experts.

#### NECESSITY FOR THE PROVISIONS OF THIS BILL.

Since it has been proved that cleanliness in the lead trades must be absolute, not relative, a type of factory construction is called for which shall provide airy, well lighted rooms, the separation of dusty and non-dusty processes, and flooring which permits the sanitary removal of all dust. Since lead may enter the system by means of contamination by dusty clothing or soiled hands, clean working clothing must be furnished the employee, and proper dressing rooms and ample lavatory and shower bath facilities for use at the noon hour and on leaving the work. Since food exposed in workrooms offers special danger, eating rooms must be provided, and their use enforced. Since respirators are essential to protect those directly exposed to fume or dust, they should be furnished and worn. Since early detection of symptoms of lead poisoning may prevent a serious attack, periodical medical examinations, with a report of all cases to the employer and to the proper state officials, are imperatively called for. Since mechanical dust-control is possible by means of enclosed machinery and its connection with air-exhaust; and fume-control by means of hoods with exhaust ventilation; these specific regulations, based on practical experience, are demanded. Ultimately all these provisions will benefit the employer also in increased efficiency and in economy of material and time.

With the example before us of other nations' efforts to banish from their lead trades one of the most serious and far-reaching of occupational diseases, and the encouragement of the good already accomplished in five of our own states, the passage of the bill is demanded alike by the dictates of sound business judgment and by every instinct of common justice and humanity.

## STANDARD BILL FOR THE PREVENTION OF OCCUPATIONAL DISEASES WITH SPECIAL REFERENCE TO LEAD POISONING

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AN ACT to prevent occupational diseases.

Be it enacted, etc., as follows :

### SECTION 1. *General Duties of Employers.*

Every employer shall, without cost to the employees, provide reasonably effective devices, means and methods to prevent the contraction by his employees of any illness or disease incident to the work or process in which such employees are engaged.

### SECTION 2. *Especially Dangerous Works or Processes.*

Every work or process in the manufacture of white lead, red lead, litharge, sugar of lead, arsenate of lead, lead chromate, lead sulphate, lead nitrate or fluo-silicate, or in the manufacture of pottery, tiles or porcelain enameled sanitary ware, is hereby declared to be especially dangerous to the health of the employees, who, while engaged in such work or process, are exposed to lead dusts, lead fumes or lead solutions.

### SECTION 3. *Duties of Employers to Provide Safety Appliances for the Protection of Employees in Especially Dangerous Works or Processes.*

Every employer shall, without cost to the employees, provide the following devices, means and methods for the protection of his employees who, while engaged in any work or process included in Section 2, are exposed to lead dusts, lead fumes or lead solutions :

(a) *Working Rooms, Hoods and Air Exhausts for the Protection of Employees Engaged in Any Work or Process Which Produces Lead Dusts or Lead Fumes.* The employer shall provide and maintain work rooms adequately lighted and ventilated, and so arranged that there is a continuous and sufficient change of air, and all such rooms shall be fully separated by partition walls from all departments in which the work or process is of a non-dusty character; and all such rooms shall be provided with a floor permitting an easy removal of dust by wet methods or vacuum cleaning, and all such floors shall be so cleaned daily.

Every work or process referred to in Section 2, including the corroding or oxidizing of lead, and the crushing, mixing, sifting, grinding and packing of all lead salts or other compounds referred to in Section 2, shall be so conducted and such adequate devices provided and maintained by the employer as to protect the employee, as far as possi-

ble, from contact with lead dust or lead fumes. Every kettle, vessel, receptacle or furnace in which lead in any form referred to in Section 2 is being melted or treated, and any place where the contents of such kettles, receptacles or furnaces are discharged, shall be provided with a hood connected with an efficient air exhaust; all vessels or containers in which dry lead in any chemical form or combination referred to in Section 2 is being conveyed from one place to another within the factory shall be equipped, at the places where the same are filled or discharged, with hoods having connection with an efficient air-exhaust; and all hoppers, chutes, conveyors, elevators, separators, vents from separators, dumps, pulverizers, chasers, dry-pans or other apparatus for drying pulp lead, dry-pans dump, and all barrel packers and cars or other receptacles into which corrosions are at the time being emptied shall be connected with an efficient dust-collecting system; such system to be regulated by the discharge of air from a fan, pump or other apparatus, either through a cloth dust-collector having an area of not less than one-half square foot of cloth to every cubic foot of air passing through it per minute, the dust-collector to be placed in a separate room which no employee shall be required or allowed to enter, except for essential repairs, while the works are in operation; or such other apparatus as will efficiently remove the lead dusts from the air before it is discharged into the outer air.

(b) *Washing Facilities.* The employer shall provide a wash room or rooms which shall be separate from the work rooms, be kept clean, and be equipped with:

(1) Lavatory basins fitted with waste pipes and two spigots conveying hot and cold water, or

(2) Basins placed in troughs fitted with waste pipes and for each basin two spigots conveying hot and cold water, or

(3) Troughs of enamel or similar smooth impervious material fitted with waste pipes, and for every two feet of trough length two spigots conveying hot and cold water.

Where basins are provided there shall be at least one basin for every five such employees, and where troughs are provided, at least two feet of trough length for every five such employees. The employer shall also furnish nail brushes and soap, and shall provide at least three clean towels per week for each such employee. A time allowance of not less than ten minutes, at the employer's expense, shall be made to each such employee for the use of said wash room before the lunch hour and at the close of the day's work.

The employer engaged in the manufacture of white lead, red lead, litharge, sugar of lead, arsenate of lead, lead chromate, lead sulphate, lead nitrate or fluo-silicate shall also provide at least one shower bath for every five such employees. The baths shall be approached by wooden runways, be provided with movable wooden floor gratings, be supplied with controlled hot and cold water, and be kept clean. The



employer shall furnish soap, and shall provide at least two clean bath towels per week for each such employee. An additional time allowance of not less than ten minutes, at the employer's expense, shall be made to each such employee for the use of said baths at least twice a week at the close of the day's work. The employer shall keep a record of each time that such baths are used by each employee, which record shall be open to inspection at all reasonable times by the (state department of factory inspection) and also by the (state board of health).

(c) *Dressing Rooms.* The employer shall provide a dressing room or rooms which shall be separate from the work rooms, be furnished with a double sanitary locker or two single sanitary lockers for each such employee, and be kept clean.

(d) *Eating Rooms.* The employer shall provide an eating room or eating rooms which shall be separate from the work rooms, be furnished with a sufficient number of tables and seats, and be kept clean. No employee shall take or be allowed to take any food or drink of any kind into any work room, nor shall any employee remain or be allowed to remain in any work room during the time allowed for his meals.

(e) *Drinking Fountains.* The employer shall provide and maintain a sufficient number of sanitary drinking fountains readily accessible for the use of the employees.

(f) *Clothing.* The employer shall provide at least two pairs of overalls and two jumpers for each such employee, and repair or renew such clothing when necessary, and wash the same weekly. Such clothing shall be kept exclusively for the use of that employee.

(g) *Respirators.* The employer shall provide, and renew when necessary, at least two reasonably effective respirators for each employee who is engaged in any work or process which produces lead dusts.

#### SECTION 4. *Duties of Employees in Especially Dangerous Works or Processes to Use the Safety Appliances Provided by the Employers.*

Every employee who, while engaged in any work or process included in Section 2, is exposed to lead dusts, lead fumes or lead solutions, shall:

(a) Use the washing facilities provided by the employer in accord with Section 3 (b) and wash himself at least as often as a time allowance is therein granted for such use;

(b) Use the eating room provided by the employer in accord with Section 3 (d), unless the employee goes off the premises for his meals;

(c) Put on, and wear at all times while engaged in such work or process, a suit of the clothing provided by the employer in accord with Section 3 (f), and remove the same before leaving at the close of the

day's work; and keep his street clothes and his working clothes, when not in use, in separate lockers or separate parts of the locker provided by the employer in accord with Section 3 (c);

(d) Keep clean the respirators provided by the employer in accord with Section 3 (g), and use one at all times while he is engaged in any work or process which produces lead dusts.

#### SECTION 5. *Notices.*

The employer shall post in a conspicuous place in every work room where any work or process included in Section 2 is carried on, room where washing facilities are provided, dressing room and eating room, a notice of the known dangers arising from such work or process, and simple instructions for avoiding, as far as possible, such dangers. The (chief state factory inspector) shall prepare a notice containing the provisions of this Act, and shall furnish, free of cost, a reasonable number of copies thereof to every employer included in Section 2, and the employer shall post copies thereof in the manner hereinabove stated. The notices required in this Section shall be printed in plain type on cardboard, and shall be in English and in such other languages as the circumstances may reasonably require. The contents of such notices shall be explained to every employee by the employer when the said employee enters employment in such work or process, interpreters being provided by the employer when necessary to carry out the above requirements.

#### SECTION 6. *Medical Examination.*

The employer shall cause every employee who, while engaged in any work or process included in Section 2, is exposed to lead dusts, lead fumes or lead solutions, to be examined at least once a month for the purpose of ascertaining if symptoms of lead poisoning appear in any employee. The employee shall submit himself to the monthly examination and to examination at such other times and places as he may reasonably be requested by the employer, and he shall fully and truly answer all questions bearing on lead poisoning asked him by the examining physician. The examinations shall be made by a licensed physician, designated and paid by the employer, and shall be made during the working hours, a time allowance therefor, at the employer's expense, being made to each employee so examined.

#### SECTION 7. *Record and Reports of Medical Examination.*

Every physician making any examination under Section 6 and finding what he believes to be symptoms of lead poisoning shall enter, in a book to be kept for that purpose in the office of the employer, a record of such examination containing the name and address of the employee so examined, the particular work or process in which he is engaged, the

date, place and finding of such examination, and the directions given in each case by the physician. The record shall be open to inspection at all reasonable times by the (state department of factory inspection) and by the (state board of health).

Within forty-eight hours after such examination and finding, the examining physician shall send a report thereof in duplicate, one copy to the (state department of factory inspection) and one to the (state board of health). The report shall be on or in conformity with blanks to be prepared and furnished by the (state board of health), free of cost, to every employer included in Section 2, and shall state:

- (a) Name, occupation and address of employee.
- (b) Name, business and address of employer.
- (c) Nature and probable extent of disease.
- (d) Such other information as may be reasonably required by the (state board of health).

The examining physician shall also, within the said forty-eight hours, report such examination and finding to the employer, and after five days from such report the employer shall not continue the said employee in any work or process where he will be exposed to lead dusts, lead fumes or lead solutions, nor return the said employee to such work or process without a written permit from a licensed physician.

#### **SECTION 8. *Enforcement.***

The (state department of factory inspection) shall enforce this act and prosecute all violations of the same. The officers, or their agents, of the said (department) shall be allowed at all reasonable times to inspect any place of employment included in this act.

#### **SECTION 9. *Penalties.***

Every employer who, either personally or through any agent, violates or fails to comply with any provision of Section 1 or Section 3 shall be guilty of a misdemeanor, and on conviction for the first offense shall be fined not less than one hundred dollars nor more than two hundred dollars, and on conviction for the second offense, not less than two hundred dollars nor more than five hundred dollars, and on conviction for each subsequent offense, not less than three hundred dollars nor more than one thousand dollars, and in each case he shall stand committed until such fine and the costs are paid, or until he is otherwise discharged by due process of law.

Every employee who violates or fails to comply with any provision of Section 4 shall be guilty of a misdemeanor, and on conviction for the first offense shall be fined not less than ten dollars nor more than twenty dollars, and on conviction for the second offense, not less than twenty dollars nor more than fifty dollars, and on conviction for each subsequent offense not less than thirty dollars nor more than one hundred dollars, and in each case he shall stand committed until such fine

and the costs are paid, or until he is otherwise discharged by due process of law.

Every employer who, either personally or through any agent, violates or fails to comply with any provision of Sections 5, 6 or 7, relating to him, and every employee who violates or fails to comply with the provision of Section 6 relating to him shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars.

**SECTION 10. *Definition.***

In this act, unless the context otherwise requires, "employer" includes persons, partnerships and corporations.

**SECTION 11. *Constitutionality.***

For the purpose of determining the constitutionality of any provision of this act, Section 1 hereof is declared to be independent of and separable from the remaining sections.

**SECTION 12. *Time of Taking Effect.***

This act shall take effect on the first day of October, 1915, except as to subdivisions (a), (b), (c) and (d) of Section 3 which subdivisions shall take effect as follows:

Subdivisions (b), (c) and (d) of Section 3 on the first day of October, 1916.

Subdivision (a) of Section 3 on the first day of October, 1917.



## PROTECTION FOR COMPRESSED AIR WORKERS



CROSS SECTION OF CAISSON IN FULL OPERATION.

Workers ("sand hogs") at bottom of caisson work under atmospheric pressure sufficient to prevent water from flowing in as sand is shoveled up. Too rapid decompression, as in going suddenly out into normal atmosphere, causes compressed air illness.

The "bends," caisson disease, or compressed air illness, as it is variously called, threatens life and health wherever work is carried on under heavy atmospheric pressure, as in tunnels or in construction of foundations for bridges or tall buildings.

In excavating beneath the water level it is necessary, in order to keep out the water, to force in air sometimes to nearly five times the common atmospheric pressure of fifteen pounds to the square inch. Roughly speaking, for every five feet below the water line, two additional pounds are necessary. "Sand hogs," or men who engage in heavy manual labor under such conditions, absorb through the lungs into the blood a quantity of air which increases with the air pressure. The circulation also adapts itself to the unusual condition by establishing greater blood pressure to prevent the collapse of the blood vessels by reason of the heavy pressure from without.

Most of the danger arises when men are coming out of this abnormal environment. If decompression is too rapid, the blood vessels are dilated, partly by the increased blood pressure which has not had time to subside, and partly by formation in the blood stream of bubbles composed of the absorbed air which has not been able

to pass off naturally through the lungs. The distention of the blood vessels causes them to press upon the nerve tissue in various parts of the body, especially on the brain and the spinal cord, resulting in excruciating pain and often paralysis. Bubbles of air may escape through the walls of the blood vessels and lodge in some tissue or organ where, according to location, they may produce deafness, blindness, prostration, paralysis, unconsciousness, or death. It is the uncontrollable writhing characteristic of some of the more painful forms of the ailment which has earned for it the name "bends."

### EXTENT OF THE DISEASE

In the absence of thorough and systematic reporting of occupational diseases in America it is impossible to tell exactly how prevalent compressed air illness is. We know that in building the Brooklyn Bridge, at least 110 cases occurred, three of which were fatal. Out of 600 "sand hogs" employed on the first bridge over the Mississippi, at St. Louis, 119 were affected, and fourteen died. A medical investigator for the Illinois Occupational Disease Commission obtained interviews with 161 men who had sustained well-defined attacks of the malady. In building the railroad bridge across the Mississippi at Clinton, Iowa, a total of twenty-five cases was recorded. Cases are known to have occurred in bridge work in Ohio, at Memphis, Tennessee, and over the Big Kanawha River in West Virginia. A number developed in digging the Boston subway. The medical director of the Pennsylvania-East River tunnels in New York City reported 3,692 cases, twenty fatal, among a total of 10,000 men employed during the entire period of the work. One case has been officially reported in Connecticut since the enactment of the occupational disease reporting law, and thirty cases, one of which was fatal, have been actually reported in New York during the past three years. These figures must, however, not be taken to indicate the full extent of the disease, since, in the words of the New York Department of Labor, "It is entirely certain that reporting of such diseases is far from complete."

### METHODS OF PREVENTION AND TREATMENT

Modern scientific study of caisson disease has clearly pointed out simple and definite methods of prevention and treatment. Extreme youth, age past forty-five, obesity, addiction to intoxicants, in experi-

ence at the work, and organic disease, such as heart insufficiency or hardening of the arteries, are predisposing causes, and men possessing these characteristics should not be engaged to work in compressed air. The degree of danger is closely proportionate to the degree of the pressure and to the length of time spent under it. Therefore the higher the pressure, the shorter should be the period of continuous work, and labor under pressure above a carefully determined maximum should not be permitted. As the greatest danger lies in too hasty decompression, a safe schedule of rate and time of decompression from various working pressures should be established. Furthermore, since prompt medical attention, especially recompression in a medical lock, not only in most cases relieves the maddening pain, but is even effective in bringing about recovery in cases of paralysis and coma, properly equipped medical locks should be provided when the pressure is dangerously high, and efficient medical attendance should be furnished wherever compressed air work is done. Warm dressing rooms, with bathing and toilet facilities, are also essential.

#### **LEGISLATION IN THE UNITED STATES**

Only two states in the United States—New York in 1909 and New Jersey in 1914—have adopted legislation regulating the conditions under which compressed air work is carried on. The increasing construction of tunnels, subways, bridges and sky-scrappers in all parts of the country makes it imperative that this protection be extended to other states. A standard bill for this purpose [see next four pages] has been prepared after careful study by the Association for Labor Legislation, and was adopted without change in New Jersey. It embodies all essential features for the prevention and treatment of the disease, and is so drafted as to be readily enforceable. Its enactment is demanded by accepted principles of industrial hygiene and by modern standards of social responsibility.

## STANDARD BILL FOR THE PREVENTION OF COMPRESSED AIR ILLNESS

---

AN ACT relating to the employment of persons in compressed air.

*Be it enacted, etc., as follows:*

### SECTION 1. *Definitions.*

(1) The term "pressure," when used in this act, means gauge pressure in pounds per square inch.

(2) The term "employer," when used in this act, includes partnerships and corporations.

### SECTION 2. *General Duties of Employers.*

Every tunnel, caisson, compartment or place to which this act applies shall be so constructed, equipped, arranged, operated and conducted as to provide such protection to the lives, health and safety of all persons employed therein as the nature of the employment will reasonably permit.

### SECTION 3. *Equipment for Work in Compressed Air.*

Every employer carrying on any work in the prosecution of which persons are employed in compressed air shall:

(1) Provide and install gauges in each tunnel for showing the air pressure to which the persons so employed therein are subjected. Such gauges shall be accessible at all times during working hours to all employees in the tunnels;

(2) Provide and attach gauges to each caisson, for showing the air pressure to which the persons so employed therein are subjected, and employ a competent person, who may be the lock tender, to take charge of such gauges, and of the instruments required under subdivision three of this section. The person so employed shall not be permitted to work more than eight hours in any twenty-four hours;

(3) Provide and attach an air gauge and a time piece to each air lock. Such gauge and time piece shall be accessible to the lock tender at all times;

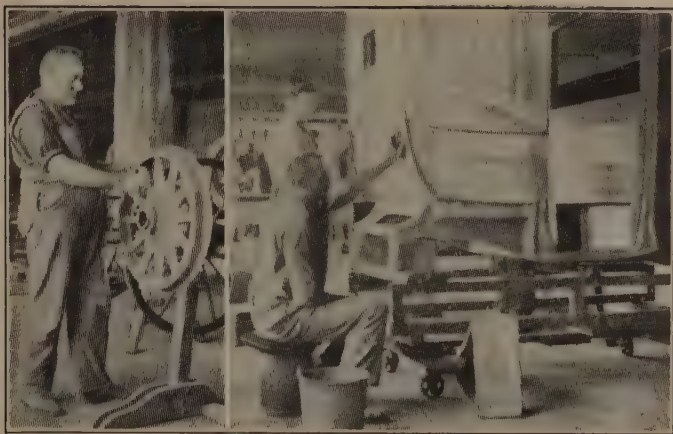
(4) Keep at least two air pipes or lines connected with each tunnel, caisson, compartment or place in which persons are so employed;

(5) Provide a suitable iron ladder for the entire length of every shaft used in connection with such work;

(6) Keep every passageway used in connection with such work clear and properly lighted;

(7) Provide sufficient electric lights for all lighting purposes and

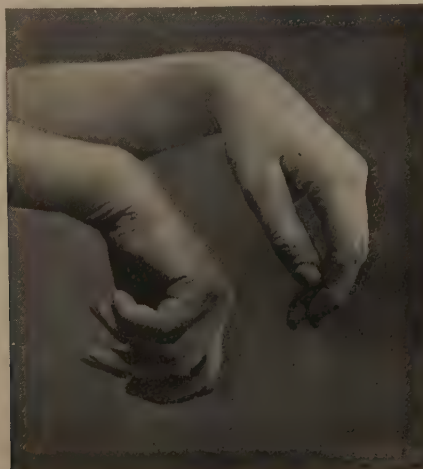




#### DRY AND WET SANDING

Dry sandpapering of paint is a frequent cause of lead poisoning. The operation fills the air with tiny particles of lead dust.

Dust is avoided when sanding is done with wet pumice stone.



#### DOUBLE WRIST DROP

Hands of workman paralyzed for 16 years as the result of lead poisoning. Five of his fellow workmen were killed by lead poisoning before they were forty.

#### LEAD POISONING

THE ASSOCIATION FOR LABOR LEGISLATION INSISTS THAT  
UNNECESSARY LEAD POISONING MUST BE PREVENTED



provide a wire for lighting the shaft, which wire shall be separated from the wire used for lighting the place where the employees are at work in compressed air; all electric wires shall be properly insulated;

(8) Provide, for the use of all persons so employed, dressing rooms which shall be kept open and accessible during working hours and during the intervals between working periods, and also a separate room for drying clothes. The dressing rooms shall contain benches and individual lockers, shower baths with hot and cold water, and sanitary water-closets, and shall be kept properly heated, lighted and ventilated;

(9) If the maximum air pressure in such work exceeds seventeen pounds, provide and maintain at least one double compartment hospital lock. Such lock shall be at least six feet high, inside measurement, and be suitably floored; it shall be equipped with inside and outside air gauges and time pieces, and a telephone with proper connections, and shall contain benches and proper surgical and medical equipment; it shall be properly heated, lighted and ventilated.

#### SECTION 4. *Suspension of Caissons.*

No caisson in which persons are employed in compressed air shall, while work is in progress therein, be suspended or hung so that the bottom of the excavation is more than four feet below the cutting edge of the caisson.

#### SECTION 5. *Inspection.*

Every employer carrying on any work in the prosecution of which persons are employed in compressed air shall cause all engines, boilers, steam pipes, steam gauges, drills, caissons, air pipes, air gauges, air locks, dynamos, electric wiring, signal apparatus, brakes, buckets, hoists, cables, chains, ropes, ladders, ways, tracks, sides, roofs, timbers, supports and all other equipment, apparatus and appliances used in connection with such work to be inspected at least once every working day by a competent person especially designated for that purpose, and if any defect in such equipment, apparatus or appliances is found, a report thereof in writing shall forthwith be made by the inspector to the employer, and the defect shall be immediately repaired.

#### SECTION 6. *Medical Attendants and Nurses.*

Every employer carrying on any work in the prosecution of which persons are employed in compressed air shall:

(1) Employ one or more licensed physicians as medical officers who shall be present to render medical assistance at all necessary times at the place where such work is in progress and who shall perform such other duties as are imposed on them by this act;

(2) If the maximum air pressure in such work exceeds seventeen pounds, employ one or more registered nurses, or one or more competent persons, which persons shall be selected by the medical officer

and be certified by him to be competent, by actual experience, to handle cases of compressed air illness. The nurses or persons so employed shall have charge of the hospital lock provided for in this act, and may also have other duties of a clerical nature, exclusive of time-keeping, such as will not require their presence elsewhere than at the hospital lock and such as they may leave at any time their service at the lock is necessary.

*SECTION 7. Employment of Certain Persons Prohibited.*

No person known to be addicted to the excessive use of intoxicants shall be employed or permitted to work in compressed air.

*SECTION 8. Physical Examinations.*

(1) No person shall be employed or permitted to work in compressed air until he has been examined by the medical officer and found to be physically qualified therefor;

(2) No person who has not previously worked in compressed air shall, during the first twenty-four hours of his employment, be permitted to work therein longer than one working period, as provided in section ten, and he shall not be permitted to resume such work, if the air pressure exceeds fifteen pounds, until he has been re-examined by the medical officer and found to be physically qualified therefor;

(3) No person who is employed in compressed air, but who has been absent therefrom for ten or more consecutive days, for any cause, shall be permitted to resume such work until he has been re-examined by the medical officer and found to be physically qualified therefor;

(4) No person who has been employed regularly in compressed air for three months shall be permitted to continue such work until he has been re-examined by the medical officer and found to be physically qualified therefor.

*SECTION 9. Record of Physical Examinations.*

The medical officer shall keep a record of all physical examinations made in accord with section eight, which record shall be kept at the place where the work is in progress and shall contain the name, age, address and full description of each person examined, the date on which each examination was made, and the physical condition, on that date, of the person examined, and the total time such person has worked in compressed air, including time in previous employments. The employer shall also be responsible for the observance of this section.

*SECTION 10. Hours of Labor.*

When the air pressure in any tunnel, caisson, compartment or place in which persons are employed exceeds normal, but does not exceed fifty pounds, the maximum number of hours which, in any twenty-four hours, a person may be employed or permitted to work or remain therein shall be as hereafter stated. In every case the maximum number of hours shall be divided into two working periods of equal



length, and the minimum time interval which shall elapse between such working periods shall be as hereafter stated.

When the air pressure						No. of hours in 24.	Interval between working periods.
Exceeds normal but does not exceed 21 lbs.,						8	30 mins.
"	21	"	"	"	30	6	1 hr.
"	30	"	"	"	35	4	2 hrs.
"	35	"	"	"	40	3	3 hrs.
"	40	"	"	"	45	2	4 hrs.
"	45	"	"	"	50	1½	5 hrs.

Except in cases of emergency, no person shall be employed or permitted to work or remain in any tunnel, caisson, compartment or place where air pressure exceeds fifty pounds.

#### SECTION 11. *Rate and Time of Decompression.*

No person shall be permitted to pass from any tunnel, caisson, compartment or place where he has been employed in compressed air to atmosphere of normal pressure without passing through an intermediate lock or stage of decompression. When the employee is passing from a tunnel to atmosphere of normal pressure, the rate of decompression shall be three pounds every two minutes, except when the air pressure in the tunnel exceeds thirty-six pounds, in which case the rate of decompression shall be one pound every minute. When the employee is passing from a caisson, compartment or place to atmosphere of normal pressure, the time of decompression shall be as follows:

When the pressure in a caisson, compartment or place							Time of decompression.
Exceeds normal but does not exceed 10 pounds,							1 min.
"	10	"	"	"	15	"	2 mins.
"	15	"	"	"	20	"	5 mins.
"	20	"	"	"	25	"	10 mins.
"	25	"	"	"	30	"	12 mins.
"	30	"	"	"	36	"	15 mins.
"	36	"	"	"	40	"	20 mins.
"	40	"	"	"	50	"	25 mins.

#### SECTION 12. *Enforcement.*

The (state department of factory inspection) shall enforce this act. The officers, or their agents, of said (department) shall inspect every place of employment included in this act, and for that purpose may enter any such place.

#### SECTION 13. *Penalties.*

Every person who, either personally or through any agent, violates or fails to comply with any provision of this act is liable to a civil penalty of fifty dollars for the first offense, one hundred dollars for the second offense and three hundred dollars for the third and each subsequent offense. Such penalties shall be recovered in an action

of debt by and in the name of the (state department of factory inspection) of the state of \_\_\_\_\_, and shall be paid to the (state department of factory inspection), who shall pay the same to the treasurer of the state of \_\_\_\_\_. [Note: Wherever necessary, provisions as to the pleading in actions to recover the penalties and for the execution of a judgment therefor should be inserted.]

SECTION 16. *Time of Taking Effect.*

This act shall take effect on the first day of \_\_\_\_\_, 19—.

### III

## INDUSTRIAL SAFETY

## **Committee on Standard Schedules and Tabulations**

LEONARD W. HATCH, *Chairman*

Statistician, New York State Department of Labor

LUCIAN W. CHANEY

Expert, United States Bureau of Labor

Author, Dangerous Occupations in Metal Manufacture, Dusty Occupations in Cordage and Twine Manufacture, etc.

JOHN R. COMMONS

Professor, Political Economy, University of Wisconsin

Member, United States Commission on Industrial Relations

Former Member, Wisconsin Industrial Commission

DON D. LESCOHIER

Statistician, Minnesota Bureau of Labor and Industry

JOHN B. ANDREWS, *Secretary*

Secretary, American Association for Labor Legislation

Joint Editor, Documentary History of American Industrial Society



## INDUSTRIAL SAFETY

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Closely allied to the prevention of occupational diseases is the prevention of industrial accidents. Shortly after the publication of its analysis of laws on comfort, health and safety in factories, already mentioned, the Association called a national conference on the Prevention and Reporting of Industrial Injuries, which met at Chicago on September 15-16, 1911. The meeting brought together about 200 experts, more than fifty of whom were government officials, from the most widely separated parts of the United States and Canada. In addition to a discussion of scientific prevention of industrial accidents, the conference led to the drafting of a standard schedule for industrial accident reporting under which, at the end of three years, nearly one-half of the total manufacturing population of the country was working.

Information from official sources shows that among the leading states which have already adopted this standard form are California, Iowa, Massachusetts, Minnesota, Nevada, New Hampshire, New York, Pennsylvania and Washington. The standard form has also been adopted by a number of manufacturing and insurance companies. Among the influential organizations which have endorsed it and are now working for its adoption, are the Workmen's Compensation Service Bureau and the National Council for Industrial Safety. It is likewise endorsed by the United States Bureau of Labor Statistics.

### DEVELOPMENT OF STANDARD SCHEDULE

The committee to whose three years of systematic effort this progress toward uniform accident reporting and comparable accident statistics is largely due includes Leonard W. Hatch, New York State Department of Labor, chairman; Lucian W. Chaney, United States Bureau of Labor Statistics; John R. Commons, Wisconsin Industrial Commission; Don D. Lescohier, Minnesota Department of Labor and Industries; and John B. Andrews, American Association for Labor Legislation, secretary. Immediately after appointment, the committee met in conference with several experts and a tentative draft for a uniform accident schedule was drawn up. Further meetings were held in Chicago, New York and Wash-

ington with other practical men interested in accident reporting. The tentative schedule was then put in type and proof copies were mailed throughout the country three separate times to public officials, insurance companies and representatives of workmen and employers. In this way many very helpful suggestions were received and utilized in the preparation of the final draft which was then formally adopted at a joint meeting in Washington of the American Statistical Association and the American Association for Labor Legislation.

Copies of the final draft of the standard schedule for accident reports were mailed with explanatory letters, early in 1912, to the proper officials in the various states. Several officials announced their decision to adopt the standard schedule at the beginning of their next fiscal year, but from officials in a majority of the states came the report of insufficient legal authority to secure all of the information required. It thus became apparent that legislation would be necessary in many states before the standard schedule could be adopted. The committee immediately undertook the task of drafting a standard accident reporting bill which was printed, with proper explanation of its provisions, mailed with a letter to chiefs of bureaus of labor and factory inspection and earnestly recommended to the dozen or more state commissions then engaged in framing workmen's compensation legislation. A systematic educational and legislative campaign was inaugurated through which thousands of people throughout the country were, at the proper time, invited to call the attention of their representatives to the desirability of such legislation. A steadily increasing number of state departments have thus been authorized to collect accident reports in accordance with the demands of this schedule.

#### SUPPLEMENTAL SCHEDULE

Part I of the standard schedule has always been recognized as the essential minimum. Two supplemental parts were added merely as a rough suggestion at a time when workmen's compensation laws were just beginning to come into operation in America. The committee believes that the experience of the last three years indicates the need of but a few slight additions to the essential minimum known as Part I, which constitutes the standard form for the first report of the accident. But the committee holds that

# FIRST REPORT OF ACCIDENT TO EMPLOYEE

To be filled out and sent in within 48 hours of the accident \*

1. EMPLOYER PLACE AND TIME	a. Employer's name.....		City or village.....	
	b. Office address: Street and No.....			
2. INJURED PERSON	c. Business (goods produced, work done, or kind of trade or transportation).....			
	d. Location of plant or place of work where accident occurred, if not at office address.....			
	Street and No.....		City or village.....	
	e. Date on which accident occurred.....			
	f. Hour of day.....		g. Hour injured person began work that day.....	
	a. Name.....		Address.....	
	b. Sex..... c. Age..... d. Single, married, widowed or divorced.....			
3. CAUSE	e. No. of children under 18 years.....			
	f. Speak English?.....		If not, what language?.....	
	g. Occupation when injured.....		In what department or branch of work?..... Was this regular occupation?.....	
	If not, state regular occupation.....			
	h. Length of experience both here and elsewhere in occupation followed when injured.....			
	i. Piece or time worker?.....		j. Wages, or average earnings, per day.....	
	k. Working hours per day.....		l. Working days per week.....	
	a. Name of machine, tool or appliance in connection with which accident occurred.....		By what kind of power driven?.....	
	Hand feed or mechanical feed?.....		Part on which accident occurred.....	
	b. Describe in full how accident happened.....			
4. NATURE AND EXTENT OF INJURY	a. State exactly part of person injured and nature of injury.....			
	b. Did injury cause loss of any member or part of a member? If so, describe exactly.....			
	c. Attending physician or hospital where sent: Name and address.....			
	d. Has injured person returned to work?..... If so, give date and hour.....			
Date of report..... Made out by.....				

\* Under workmen's compensation it is believed by many that a first report within seven days of the accident will be found satisfactory.





with the rapid spread of workmen's compensation legislation the time is now ripe for a consolidation of the suggestive second and third parts into one simple blank for the supplemental report. In working towards this supplemental step toward uniform accident reporting, the permanent Committee on Standard Schedules and Tabulations of the American Association for Labor Legislation earnestly invites the suggestions of all interested individuals or groups.

#### UNIFORM SYSTEM FOR TABULATING ACCIDENT STATISTICS

The standard certificate and the standard reporting bill for occupational diseases, referred to in the previous section, are also the work of this committee. The third part of the committee's obligation, after some preliminary consideration, was discussed at length at a meeting in New York on February 12, 1914. On that date, as a tentative outline scheme for cooperative state and federal study of accidents, the following was agreed upon:

1. Define a reportable accident as follows:

A reportable accident shall be one (a) causing death immediately or later; or (b) causing some permanent bodily injury; or (c) causing the workman to remain away from work longer than twenty-four hours. The report should be made within forty-eight hours of accident, and employers should be urged to keep a record of, but not to report, all cases where the workman is off less than twenty-four hours.

2. Adopt in the cooperating states a form of report conforming in essentials to the American Association for Labor Legislation standard schedule.

3. Secure for the use of the state and the federal bureau, from industrial establishments, information on the following points:

(a) Employment: If possible the shop hours of the different departments, or if this cannot be obtained, the average number employed per month (number on pay roll in each month, sum of these numbers divided by twelve) and the exact number of days during which the department was in operation.

(b) Accident occurrences, including length of temporary disabilities.

4. Treat this material the following way:

Transfer each record as it is completed to punched cards under a uniform code to be agreed upon. These cards may be tabulated by each state and then transmitted to Washington, or the federal bureau may undertake to perform the tabulation for the cooperating states in return for the opportunity to combine the data for its own uses.

After several hours of discussion, Mr. Chaney offered the following resolution:

I move that this committee request the federal Commissioner of Labor to call a conference of state labor department officials, to be held in New York City (February 26, 1914) at the time of the Unemployment conference of the American Association for Labor Legislation, to consider cooperation and unification of methods in handling industrial accident statistics.

The request was transmitted to Commissioner Meeker at Washington. Several conferences have since been held and the time appears to be favorable for effective cooperation to continue the forward movement and to broaden and develop it along lines of constructive research.

The Association has in every way endeavored to stimulate wider interest in the prevention of accidents, and has encouraged the foundation of state museums of safety devices, notably in Minnesota and Wisconsin, as well as through the federal Congress.

#### PUBLICATIONS

Most important of the Association's publications on industrial safety are:

August 1910—Review of Labor Legislation of 1910, containing Accidents (3 p.).

June 1911—Analysis of Comfort, Health and Safety Laws in Factories (60 p.); The Prevention of Accidents (7 p.).

October 1911—Review of Labor Legislation of 1911, containing Accidents and Diseases (52 p.).

December 1911—Prevention and Reporting of Industrial Injuries, containing Introductory Address (5 p.); Scientific Accident Prevention, (11 p.); Practical Safety Devices (20 p.); Accident Records in Minnesota (8 p.); Advantages of Standard Accident Schedules (6 p.); A Plan for Uniform Accident Reports (9 p.).

February 1912—Proceedings of Fifth Annual Meeting, containing Report of Special Committee on Standard Schedules (17 p.); Work of the United States Bureau of Mines (6 p.).

February 1912—Standard schedule for industrial accident reports.

October 1912—Review of Labor Legislation of 1912, containing Accidents and Diseases (20 p.).

December 1912—Immediate Legislative Program, containing Uniform Reporting of Accidents and Diseases (18 p.); Investigations into Industrial Hygiene and Safety (4 p.).

January 1913—Leaflet No. 7, on Uniform Reporting of Industrial Accidents (4 p.).

February 1913—Proceedings of Sixth Annual Meeting, containing Needed

Legislative Changes Requiring the Notification of Accidents and Diseases (6 p.).

October 1913—Review of Labor Legislation of 1913, containing Accidents and Diseases (49 p.).

October 1914—Review of Labor Legislation of 1914, containing Accidents and Diseases (19 p.).

## UNIFORM REPORTING OF INDUSTRIAL ACCIDENTS

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How many industrial accidents occur every year in the United States, leaving in their wake crippled and broken bodies, reduced earning power, or dependent widows and orphans?

Nobody knows.

Estimates vary from 15,000 to 57,500 for fatal accidents, and from 455,000 to 1,000,000 for non-fatal accidents.

But these are only estimates. On so important a topic as this is, nobody really *knows*.

To remedy this shameful defect in our social knowledge the Chicago Conference of the American Association for Labor Legislation in September, 1911, appointed a committee of five to formulate a standard schedule and a standard bill for accident reporting. This committee was made up principally of government officials charged with the administration of accident reporting laws, and included:

Leonard W. Hatch, New York Department of Labor, *Chairman*.

Lucian W. Chaney, United States Bureau of Labor.

John R. Commons, Industrial Commission of Wisconsin.

Don D. Lescohier, Minnesota State Bureau of Labor.

John B. Andrews, American Association for Labor Legislation.

This committee immediately called into conference and corresponded widely with other officials and experts. At the end of the year it brought in a report. The standard schedule thus drafted was discussed at the annual meeting of the American Statistical Association and at numerous conferences. In its final form it has been adopted with but few modifications by one state after another across the continent, including California, Iowa, Massachusetts, Minnesota, Nevada, New Hampshire, New York, Pennsylvania and Washington. Several municipalities and liability insurance companies have also adopted this schedule. In 1914 it was endorsed, for universal adoption, by the United States Bureau of Labor Statistics, the Workmen's Compensation Service Bureau, and the National Council for Industrial Safety.

In spite of this progress, however, accident reporting in the United



States is still in a very unsatisfactory condition. "Even in the few states requiring the publication of accident statistics," declares the United States Bureau of Labor, "the lack of completeness and the absence of uniformity precludes the possibility of an accurate inter-state comparison." And the Bureau adds: "Accurate statistics alone can furnish a reasonable basis for reform."

#### **"ACCIDENT" VARIES IN MEANING**

One of the most serious causes of confusion is the fact that a reportable accident is differently defined in various states. In some states all accidents in specified industries must be reported; in one state, only those causing loss of time for two days. Three states specify one week's loss of time; one state, two weeks'; another, in certain occupations, thirty days'. In about half of the states of the Union there is no law whatever requiring accidents in factories to be reported!

#### **NOT ALL INDUSTRIES COVERED**

Another weighty criticism of our accident statistics is that they do not cover all dangerous occupations. One great industrial state, for example, has no adequate system of reporting accidents except in the one important industry of coal mining. In another, an amendment to the law extended the list of occupations in which accidents must be reported to include building construction, excavating, and engineering work. Under this added provision, during the first four months, 2,530 accidents were reported, seventy-five of which were fatal. In that one state about 90,000 industrial accidents were annually reported before the coming of compensation legislation, when the number immediately jumped to more than 200,000.

#### **LACK OF UNIFORMITY IN INFORMATION**

Serious non-conformity furthermore arises from the lack of agreement in the data required. In nineteen states fifty-eight different questions are asked. Of the fifty-eight questions, only one, the name of the injured person, is asked by all nineteen states. The date of the accident is asked by eighteen states, the age and occupation of the injured and the cause and exact nature of the accident by seventeen states, seven questions are asked by two states each, and twelve questions by only one state each.

**SCIENTIFIC COMPARISON IMPOSSIBLE**

Such heterogeneous information obviously cannot be compiled and compared. "That this lack of uniformity is deplorable requires no argument," declares Chief Statistician Hatch, of the New York Department of Labor. "It certainly means that scientific comparison of the operation of laws and administrative methods in different states, as to prevention or compensation, is largely precluded, and that the cumulative value of combined data for different states is lost."

**STANDARD LAW AND SCHEDULE NEEDED**

The committee respectfully urges upon all agencies, public or private, but especially government agencies, which collect reports of accidents, the adoption of the standard schedule which it has drawn up to meet this situation. To prepare the way for the standard schedule in states which now report accidents, but do not use it, as well as in states where no reporting at all is done, the committee submits the standard accident reporting bill printed on the next page.

The provisions of this bill have been carefully considered and they represent the combined judgment of public officials who are experienced in the administration of accident reporting laws.

This legislation provides the logical foundation for the uniform adoption of the standard schedule, which is pre-requisite to the collection of information on a scientific basis for purposes of comparison both in accident prevention and in workmen's compensation. All persons and organizations are invited to co-operate in securing the needed legislation.

## STANDARD BILL FOR INDUSTRIAL ACCIDENT REPORTS

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AN ACT to require the recording and reporting of certain industrial accidents, and to provide for its enforcement.

*Be it enacted, etc., as follows:*

### SECTION 1. *Record of Accidents.*

Every employer of labor, except agricultural or domestic labor, in this state, whether a person, partnership or corporation, including the state and all governmental agencies created by it, shall keep a record of every accident which causes personal injury to an employee in the course of his employment. The record shall contain such information as the (proper official) may require and shall be open to inspection by him at all reasonable times.

### SECTION 2. *Reports of Accidents.*

Within forty-eight hours after any such accident the employer shall send to the (proper official) a report thereof, stating:

- (a) Name, address and business of employer.
- (b) Name, address and occupation of employee.
- (c) Cause of injury.
- (d) Nature of injury.
- (e) Time of injury.
- (f) Place of injury.
- (g) Such other information as may be reasonably required by the (proper official).

Subsequent reports of the results of the accident and of the condition of the injured employee shall be made by the employer at such times and containing such information as the (proper official) may require. The reports herein required shall be on or in conformity with the standard schedule blanks hereinafter provided for. The posting of the report, within the time required, in a stamped envelope addressed to the office of the (proper official) shall be a compliance with this section.

### SECTION 3. *Blanks for Reports.*

The (proper official) shall prepare and furnish, free of cost, to the employers included in Section 1 standard schedule blanks for the reports required under this act. The form and contents of such blanks shall be determined by the (proper official).

### SECTION 4. *Reports Not Evidence.*

Reports made under this act shall not be evidence of the facts therein stated in any action arising out of the accident therein reported.

SECTION 5. *Penalty.*

Any employer who neglects or refuses to send the report or reports as herein required shall be liable to the state for a penalty of \_\_\_\_\_ dollars for each offense, recoverable by civil action by the (proper official).

SECTION 6. *Time of Taking Effect.*

This act shall take effect on the first day of \_\_\_\_\_, 19—.



## IV

### ADMINISTRATION OF LABOR LAWS

## Committee on Enforcement of Labor Laws

GEORGE M. PRICE, *Chairman*

Director, Joint Board of Sanitary Control, New York

Author, Administration of Labor Laws and Factory Inspection in  
Certain European Countries

IRENE OSGOOD ANDREWS

Assistant Secretary, American Association for Labor Legislation

LEWIS T. BRYANT

Commissioner of Labor, New Jersey

SELSKAR M. GUNN

Member, Massachusetts Board of Labor and Industries

Professor, Public Health, Massachusetts Institute of Technology

SAMUEL McCUNE LINDSAY

Professor, Social Legislation, Columbia University

Vice-Chairman, National Child Labor Committee

JAMES M. LYNCH

Commissioner of Labor, New York

Former President, International Typographical Union

CHARLES MCCARTHY

Director of Investigations, United States Commission on Industrial  
Relations

DOROTHY STRAUS

Attorney, New York City

## ADMINISTRATION OF LABOR LAWS

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In all its work the Association has never lost sight of the fact that the supreme test of labor legislation is its enforcement.

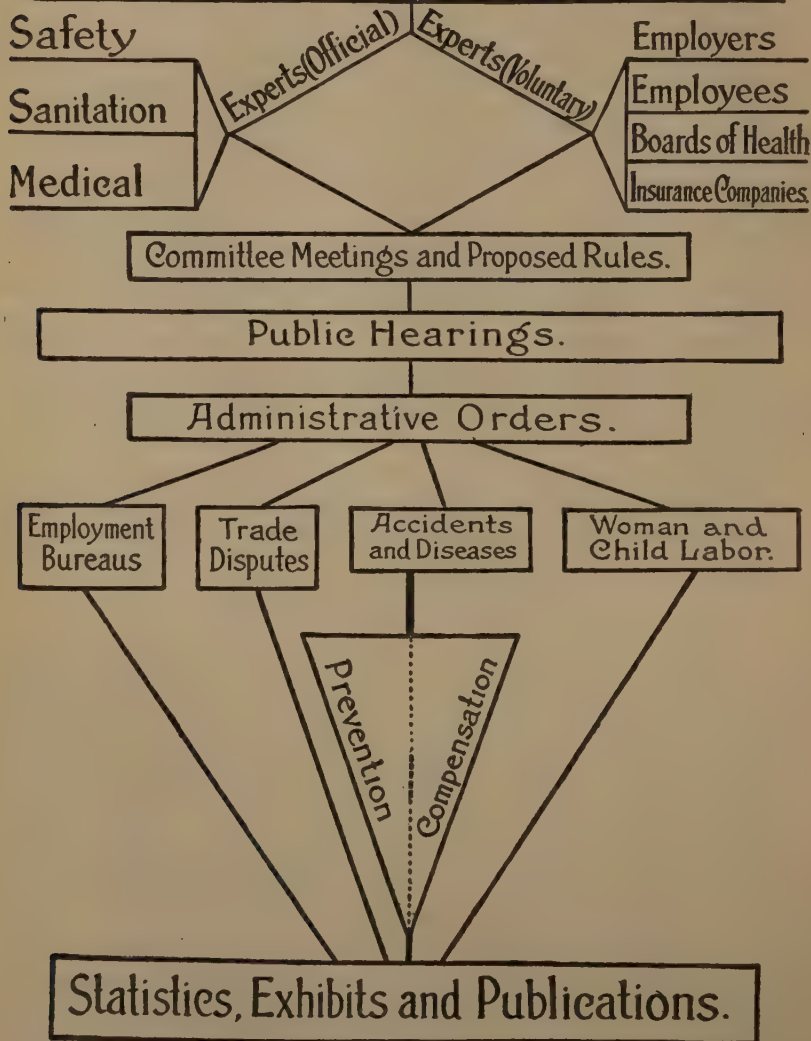
From every industrial state comes the demand for help in developing a more efficient system of administering the labor law. In the movement which began with the organization of the Wisconsin Industrial Commission in 1911 and which spread to California, Massachusetts, New York, Ohio, and Pennsylvania, until now almost one-half of the industrial wage-earners of the country are offered a new form of protection, the Association cooperated step by step.

The first declaration by the Association on this subject was the article published in June, 1911, jointly by the secretary and assistant secretary on "Scientific Standards in Labor Legislation." The article pointed out the difficulties of enforcing hastily enacted, unscientific labor legislation, and on the basis of successful experience in England and under the Massachusetts Board of Boiler Rules urged as a solution of the problem an industrial commission with power to issue administrative orders.

### COMMISSION IDEA TAKES ROOT

The Wisconsin commission, the first of the kind in this country, was created soon afterwards and a few months later, at the September, 1911, conference on accident prevention, the administration of labor laws through state commissions was one of the main topics discussed. Professor John R. Commons of the University of Wisconsin, a member of the Association's Executive Committee, who was influential in establishing the Wisconsin commission and was one of its first members, described the commission law and told what that body hoped to do. A year and a half later, at the Sixth Annual Meeting, Professor Commons was able to deliver an inspiring address on what the commission had actually accomplished. The explanation of the wave of legislation providing for the commission or advisory board method in other states may be found in the protests against old methods of factory inspection voiced by manufacturers, laborers, insurance experts, investigators and administrative officials in the public discussion which followed throughout the country.

# INDUSTRIAL COMMISSION





At the Fifth and Seventh Annual Meetings, also, labor law enforcement played a prominent part in the proceedings. The December, 1913, issue of the *AMERICAN LABOR LEGISLATION REVIEW*, which appeared just in advance of the Seventh Annual Meeting, was exclusively devoted to this subject, and the introductory note of that issue, published separately as a pamphlet, was widely used in the agitation in a number of states for a more advanced type of administrative authority.

#### PUBLICATIONS

August 1910—Review of Labor Legislation of 1910, containing Administration of Labor Laws (2 p.).

June 1911—Scientific Standards in Labor Legislation (12 p.).

October 1911—Review of Labor Legislation of 1911, containing Administration of Labor Laws (10 p.).

December 1911—Proceedings of Conference on Prevention and Reporting of Industrial Injuries, containing The Industrial Commission of Wisconsin (9 p.); Massachusetts Board of Boiler Rules (11 p.); Safety Inspection in Illinois (11 p.).

February 1912—Proceedings of Fifth Annual Meeting, containing A Federal Mining Commission (13 p.).

October 1912—Review of Labor Legislation of 1912, containing Administration of Labor Laws (10 p.).

December 1912—Immediate Legislative Program, containing Factory Inspection and Labor Law Enforcement (9 p.).

February 1913—Proceedings of Sixth Annual Meeting, containing How the Wisconsin Industrial Commission Works (6 p.); Laborer's View of Factory Inspection (5 p.); Employer's View of Factory Inspection (4 p.); Efficiency of Present Factory Inspection Machinery in the United States (5 p.).

October 1913—Review of Labor Legislation of 1913, containing Administration of Labor Laws (12 p.).

December 1913—Administration of Labor Laws. Scientific Standards in Labor Legislation (6 p.); Diversity of Labor Law Enforcement (27 p.); Duties and Organization of State Labor Departments (18 p.); Directory of State Bodies Administering Labor Laws (6 p.).

January 1914—Pamphlet on Progressive Tendencies in Labor Law Administration in America (6 p.).

October 1914—Review of Labor Legislation of 1914, containing Administration of Labor Laws (3 p.).



V

SOCIAL INSURANCE

## Committee on Social Insurance

EDWARD T. DEVINE, *Chairman*

Director, New York School of Philanthropy  
Professor, Social Economy, Columbia University  
Former General Secretary, New York Charity Organization Society  
Author, Misery and Its Causes, The Spirit of Social Work, etc.

MILES M. DAWSON

Consulting Actuary  
Member of New York Bar.  
Joint Author, Workingmen's Insurance in Europe

CARROLL W. DOTEN

Secretary, American Statistical Association  
Professor, Economics and Statistics, Massachusetts Institute of Technology  
Former Investigator, Massachusetts Commission on Compensation for Industrial Accidents

HENRY J. HARRIS

Chief, Division of Documents, Library of Congress  
Former Expert, United States Bureau of Labor  
Author, Industrial Accidents and Loss of Earning Power; German Experience

CHARLES R. HENDERSON

Professor, Sociology, University of Chicago  
Former Secretary, Illinois Commission on Occupational Diseases  
Author, Industrial Insurance in the United States, etc.

FREDERICK L. HOFFMAN

Statistician, Prudential Insurance Company  
Author, Insurance Science and Economics, etc.

I. M. RUBINOW

Statistician.  
Former Expert, United States Bureau of Labor  
Author, Studies in Workmen's Insurance, Social Insurance, etc.

HENRY R. SEAGER

Professor, Economics, Columbia University  
Former Member, New York Commission on Employers' Liability and Other Matters  
Author, Social Insurance, Principles of Economics, etc.

JOHN B. ANDREWS, *Secretary*

Secretary, American Association for Labor Legislation  
Author, Compensation for Occupational Diseases, etc.



## SOCIAL INSURANCE

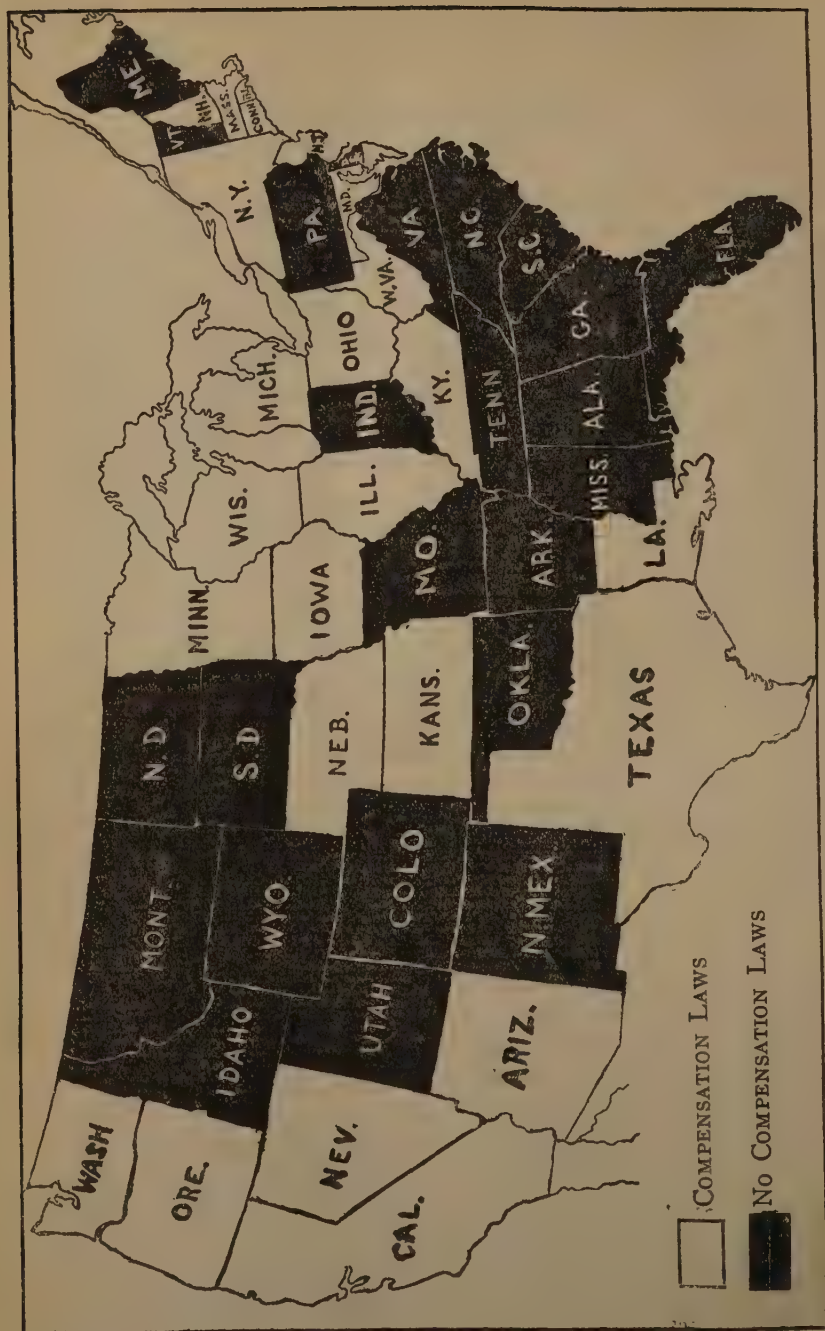
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In the world-wide movement for social insurance the United States has lagged a quarter of a century behind Europe, where sickness insurance was established in Germany in 1883 and an international Permanent Committee on Social Insurance was formed in Paris in 1889. Ever since its organization in 1906 the American Association for Labor Legislation has regarded the enactment of a just plan of compensation for industrial accidents and occupational diseases as one of its most immediate problems. It has taken from the beginning an active part in the campaign by which within six years the federal government and twenty-four states, or exactly one-half of those in the union, have enacted workmen's compensation legislation.

With the conviction that careful investigation must precede the much-desired uniformity in scientific legislation, the Association early aided in bringing together in interstate conferences the members of the state commissions on workmen's compensation. Four national conferences were held, with very satisfactory results, at Atlantic City, July 29-31, 1909; Washington, January 20, 1910; Chicago, June 10-11, 1910; and Chicago, November 10-12, 1910. At the third conference the Association, as an accommodation, managed the details of the meetings and edited and distributed the proceedings.

### STATE AND FEDERAL ACTIVITY

At every one of the Association's annual sessions emphasis has been placed upon this matter, questions of constitutionality and standards for state and federal laws being discussed by active workers in the various fields. Careful studies have been made of accident prevalence, of employers' liability awards, of court decisions, and of compensation laws and their operation throughout the country and abroad. The Kern-McGillicuddy bill now before Congress, to supplant the present inadequate compensation law of 1908 for federal employees, is the culmination of a movement launched and persistently followed up by the Association. Assistance has also been given in framing and in securing adequate laws in several



## WORKMEN'S COMPENSATION LAWS IN THE UNITED STATES

ONE HALF OF THE MAP IS NOW COVERED. WITHIN THE LAST FOUR YEARS 24 OF THE 48 STATES HAVE ENACTED COMPENSATION LAWS

[REVISED TO DECEMBER 31, 1914.]

states, especially in New York, and—as is sometimes necessary—in defeating bad bills. As far back as 1910 a national Committee on Workmen's Compensation was appointed and performed valuable work in discouraging discrimination against non-resident alien dependents of deceased workmen in employers' liability laws as well as in compensation acts.

#### COMPENSATION FOR OCCUPATIONAL DISEASES

The Association has consistently maintained that the arguments advanced and accepted for compensation for industrial accidents hold equally well with regard to compensation for occupational diseases. Several studies have been made in this field, and as stated in the section on Occupational Hygiene the principle of idemnity for illnesses of occupation has been embodied in the Kern-McGillicuddy bill.

#### SOCIAL INSURANCE COMMITTEE

The Sixth Annual Meeting of the Association in Boston, 1912, empowered the Executive Committee to appoint a special Committee on Social Insurance, whose membership includes Edward T. Devine, chairman, director New York School of Philanthropy, professor of social economy at Columbia University, former secretary New York Charity Organization Society; Miles M. Dawson, consulting actuary, member of New York bar; Carroll W. Doten, secretary American Statistical Association, professor of economics and statistics at Massachusetts Institute of Technology, chief investigator for Massachusetts Commission on Compensation for Industrial Accidents; Henry J. Harris, chief of the Division of Documents of the Library of Congress, expert for United States Bureau of Labor; Charles R. Henderson, professor of sociology at University of Chicago, secretary Illinois Commission on Occupational Diseases; Frederick L. Hoffman, statistician for Prudential Insurance Company; I. M. Rubinow, former expert, United States Bureau of Labor; Henry R. Seager, professor of economics at Columbia University, member New York Commission on Employers' Liability and Other Matters; and John B. Andrews, secretary.

The appointment of this committee not only showed the growth

of American interest in the subject, but marked a considerable extension of the Association's work. Its purpose was the making of a thorough, scientific inquiry into the whole field of social insurance as a basis for formulating a comprehensive plan suited to American conditions, including not only compensation for industrial accidents but also protection against sickness, unemployment, and old age and invalidity, those ordinary contingencies against which it is becoming more and more evident that the average industrial wage-earner is unable properly to provide through his own unaided efforts.

#### FIRST NATIONAL CONFERENCE ON SOCIAL INSURANCE

The first public action taken by the committee was the calling of the first American Conference on Social Insurance, in Chicago, June 6-7, 1913. Interest in the conference was widespread and reports of its proceedings were given extensive publicity by the press. Governors of the main industrial states appointed delegates, and the discussions were participated in by government and labor bureau officials, economists, employers, and many private insurance men. The conference proved to be of great educational value in stimulating and in forming public opinion. The subject of the first session was Next Steps in Social Insurance, the second took up Comprehensive Plans for Social Insurance, while the third was devoted to certain problems connected with workmen's compensation. The proceedings of the conference, together with a select bibliography on social insurance, constituted the *REVIEW* for June, 1913.

At the Seventh Annual Meeting in Washington, December, 1913, a session was given up to the subject of sickness insurance, both voluntary and compulsory systems being discussed. At this meeting, also, it was voted to discontinue the Committee on Workmen's Compensation and to merge its work with that of the Committee on Social Insurance.

For distribution at the First National Conference on Unemployment in New York in February, 1914, a report of the German Imperial Labor Office giving the existing provisions for unemployment insurance was translated by the statistical bureau of the Metropolitan Life Insurance Company, and was widely circulated.



## FORMULATION OF STANDARDS

August, 1914, saw the publication of the Association's *Standards for Workmen's Compensation Laws*, drafted by the Committee on Social Insurance. Showing as they do the spread of compensation laws through the country and establishing upon a broad basis of experience the essential minimum requirements for adequate legislation, these standards have been received with enthusiasm in all progressive quarters. The main points in the standards are: inclusion of occupational diseases as grounds for compensation; requirement of medical attendance; compensation on a basis of  $66\frac{2}{3}$  per cent of wages during the entire period of total incapacity or of widowhood; a waiting period of three to seven days before the beginning of compensation; the inclusion of child dependents up to the age of eighteen; and the establishment of an accident board to administer the act.

Soon afterward the committee, believing sickness insurance to be the next most urgent problem in its field, followed up its compensation standards with a tentative statement of the lines it proposed to follow in drafting a sickness insurance bill. It advocated compulsory sickness and invalidity insurance for all those receiving less than a given annual income, to be agreed on later, such insurance to be paid for by contributions from employers, employees and the state, and administered through mutual funds run jointly by employers and employees under state supervision. Just as the predominating aim of the committee in its work on accident compensation was rather prevention of than remuneration for accidents, so in outlining its proposals for sickness insurance, the predominating aim of the committee has been to insure the better conservation of health.

## PUBLICATIONS

August 1910—Review of Labor Legislation of 1910, containing Employers' Liability and Workmen's Compensation (6 p.).

January 1911—Proceedings of Fourth Annual Meeting, containing Compulsory Compensation for Injured Workmen (8 p.); Voluntary Indemnity for Injured Workmen (6 p.); Problems and Progress of Workmen's Compensation in the United States (17 p.).

October 1911—Review of Labor Legislation of 1911, containing Employers' Liability, Workmen's Compensation and Insurance (28 p.); Pensions, Old Age (1 p.).

February 1912—Proceedings of Fifth Annual Meeting, containing Compulsory State Insurance from the Workman's Viewpoint (14 p.); Accident Compensation for Federal Employees (14 p.); Constitutional Status of Workmen's Compensation (16 p.).

October 1912—Review of Labor Legislation of 1912, containing Employers' Liability, Workmen's Compensation and Insurance (9 p.); Pensions, Old Age (1 p.).

December 1912—Immediate Legislative Program, containing Compensation of Federal Employees for Accidents and Diseases (6 p.); State Workmen's Compensation Legislation (3 p.).

February 1913—Proceedings of Sixth Annual Meeting, containing Need of a New Federal Employees' Compensation Law (10 p.).

February 1913—Leaflet No. 11, on Workmen's Compensation for Employees of the United States (2 p.).

March 1913—Leaflet on Workmen's Compensation and Insurance (4 p.).

March 1913—Leaflet on Criticism of Insurance Committee's Substitute for Foley-Walker and Murtaugh-Jackson Compensation Bills (1 p.).

March 1913—Leaflet on Position of the American Association for Labor Legislation in Reference to Workmen's Compensation Bills at Albany (1 p.).

March 1913—Leaflet on A Model Compensation Bill (1 p.).

March 1913—Leaflet on New Committee on Social Insurance (4 p.).

April 1913—Pamphlet on Compensation for Occupational Diseases (12 p.).

June 1913—Proceedings of First National Conference on Social Insurance. The Problem of Social Insurance: an Analysis (9 p.); Sickness Insurance (10 p.); Insurance against Unemployment (11 p.); Pensions for Mothers (11 p.); Old Age Insurance (11 p.); Systems of Wage-Earners' Insurance (16 p.); Advantages of Compulsory State Insurance (6 p.); Advantages of Casualty Company Insurance (6 p.); Superiority of Compulsory Mutual Insurance (7 p.); Select Bibliography on Social Insurance (6 p.).

October 1913—Review of Labor Legislation of 1913, containing Employers' Liability, Workmen's Compensation and Insurance (17 p.); Pensions and Retirement Systems (2 p.).

October 1913—Table of Main Provisions of Existing State Laws Relative to Workmen's Compensation and Insurance (1 p.).

December 1913—Administration of Labor Laws, containing Directory of Workmen's Compensation Commissions (2 p.).

February 1914—Pamphlet on Present Status of Unemployment Insurance (13 p.).

March 1914—Proceedings of Seventh Annual Meeting, containing Practicability of Compulsory Sickness Insurance in America (24 p.); Sickness Benefit Funds among Industrial Workers (9 p.); Trade Union Sickness Insurance (10 p.); Appeal of Permanent International Committee on Social Insurance (9 p.).

August 1914—Pamphlet on Standards for Workmen's Compensation Laws (14 p.).

October 1914—Review of Labor Legislation of 1914, containing Employers' Liability, Workmen's Compensation and Insurance (7 p.); Pensions and Retirement Systems (2 p.).

## WORKMEN'S COMPENSATION FOR EMPLOYEES OF THE UNITED STATES

### Why Congress Should Pass the Kern-McGillicuddy Bill (H. R. 15222)

The existing federal law, granting to certain employees of the United States the right to compensation for injuries received in the course of their employment, went into effect on August 1, 1908. Since then it has several times been extended in scope. However, in spite of its benefits, which are admitted to have been substantial and real, the law still falls far short of what it should be if workmen who lose their health, their limbs or their life in the service of the nation are to receive justice.

#### Weaknesses of the Existing Law (Act of May 30, 1908).

One of the serious shortcomings of the existing law is that it confines its benefits to only one-fourth of the government's 400,000 civilian employees. During the five years from August 1, 1908, to July 1, 1913, no fewer than 42,290 injuries were reported, of which 1,006 were fatal. Claims were made in only 14,963 cases, 565 of which were on account of fatal injuries. What of the 441 injuries resulting in death and the 26,886 lesser injuries, on account of which no claim was made? They were simply not covered by the act. Fortunately, some of these fatalities were in the life-saving and in the railway-mail service where limited compensation is provided by special laws.

Another serious shortcoming is that the workman who contracts an occupational disease, such as lead poisoning, as the necessary and inevitable consequence of his work, is debarred from compensation. The leading parliaments of the world have agreed that the worker who is incapacitated by occupational disease should not be debarred from compensation merely because the cause of his incapacity is gradual and not sudden.

A feature unsatisfactory alike to administrative officials and to

workmen is that no incapacity lasting less than fifteen days is compensated, but if the injury lasts more than fifteen days, compensation is paid from the date of the injury. With the "waiting time" thus unwisely extended, the temptation to malingering is encouraged; on the other hand, many deserving cases are deprived of indemnity.

The severest indictment against the act, however, is against the scale of compensation established. The most liberal benefit granted is only one year's pay even for total disablement, blindness or death. "Fractures of an arm or leg," reports the Bureau of Labor, "have led to payments in amounts less than \$25, the loss of an eye in amounts varying between \$25 and \$50, and in case of the loss of a right arm the injured workman was entitled to a payment of less than \$50 while in three cases of the loss of both legs the average compensation was \$377.40." Furthermore, "No other country," declared Commissioner Neill, "offers to the widow and children of an employee killed in its service an amount so pitifully and disgracefully small."

In nearly every one of its main provisions the act of 1908 is worse than the worst European law. (See comparative analysis following. Comparison with compensation laws recently enacted by twenty-four American states is equally striking.)

The existing law is therefore manifestly a makeshift, and an unsatisfactory makeshift at that. To attempt to amend it further is wasteful. Enlightened public consciousness demands an entirely new act, which will profit by the mistakes of the old, and lift America from among the most backward of nations in this respect to a place among the foremost.

### **Superiority of the Kern-McGillicuddy Bill**

This bill has been drafted with great care to supplant the existing law.

It covers all civilian employees of the United States.

It provides compensation for occupational diseases as well as for "injuries."

It reduces the waiting time to three days.

It provides  $66\frac{2}{3}$  per cent of regular pay for disabled workers during the period of their disability.

It provides reasonable benefits for widows, children, and a limited class of other dependents.

Finally, perhaps most important of all, for the real purpose of compensation acts should be not so much to indemnify for injuries as to *prevent* them, it initiates active measures for the prevention of accidents and occupational diseases in the government service.

When Congress passes this bill the United States will come much nearer to being a model employer, and will have a compensation law up to the standard set by England, Switzerland and Germany.

The American Association for Labor Legislation appeals to all public-spirited and forward-looking citizens, who wish to see America lifted to her proper place as a leader among nations in consideration for the health, comfort, safety and efficiency of her employees, to vote and work for this meritorious measure.



MAIN PROVISIONS OF THE EXISTING UNITED STATES LAW  
COMPARED WITH THE

KERN-McGILLICUDDY BILL

AND WITH THE NATIONAL LAWS OF SWITZERLAND,  
GERMANY AND GREAT BRITAIN

	DISABILITIES COVERED	WAITING TIME	COMPENSATION (Percentage of regular pay granted and duration of payment) FOR		
			Temporary Disability	Permanent Disability	Death
<b>U. S. Law</b> (1908)	Injuries	15 days	100 Up to one year only	100 One year only	100 One year only
<b>Kern-McGill- cuddy Bill</b> (1914)	Injuries and occupational diseases	3 days	66 $\frac{2}{3}$ During disability	66 $\frac{2}{3}$ During disability	25-66 $\frac{2}{3}$ During dependency
<b>Swiss Law</b> (1912)	Injuries and occupational diseases	3 days	70-80 During disability	70 During disability	20-60 During dependency
<b>German Law</b> (1911)	Injuries and occupational diseases	3 days	50-66 $\frac{2}{3}$ During disability	66 $\frac{2}{3}$ During disability	20-60 During dependency
<b>British Law</b> (1906)	Injuries and occupational diseases	1 week	50 During disability	50 During disability	300 Lump sum

Although more liberal than the existing federal law, many of the provisions of the Kern-McGillicuddy bill are duplicated or exceeded in the compensation laws of several American states. Ohio and New York, *e. g.*, provide a scale of 66 $\frac{2}{3}$  per cent of regular pay during the entire period of disability; only nine states out of twenty-four limit the benefits of compensation acts to so-called hazardous employments; and Washington and Oregon have entirely dispensed with "waiting time."

# STANDARDS FOR WORKMEN'S COMPENSATION LAWS

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*Recommended by the*  
AMERICAN ASSOCIATION FOR LABOR LEGISLATION

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## ANNOUNCEMENT

During the first five years of agitation for workmen's compensation laws in the United States, the American Association for Labor Legislation believed it could best serve the cause by collecting and disseminating information. It analyzed and published up-to-date reviews of legislation. It assisted in the creation of official commissions and helped to bring them together in national meetings. It organized the first American conferences on Occupational Diseases and on Social Insurance. Without dogmatically drafting bills of its own during this experimental period it assisted with information, urged well-tested improvements, and pointed out obvious shortcomings in proposed legislation.

Meanwhile the federal government and twenty-four states enacted compensation laws all more or less inadequate. Pioneer efforts were sometimes too cautious and sometimes too bold. A few daring advances were repulsed by the courts, while others were accepted as sound contributions to social insurance. In the majority of instances the first steps, in the light of subsequent experience, now appear to have been somewhat halting and unduly conservative.

It is practically certain that within the next five years numerous bills will be drafted to strengthen these existing laws and to extend the compensation system over the remaining twenty-four states. The time, therefore, seems opportune for an appraisal of results, for the adoption of new ideals, based upon the first five years' experience.

Throughout the period of agitation our special committee, composed of disinterested, social-minded citizens of practical experience in walks of life which permitted them as a working committee to observe keenly and judge impartially, have studied this problem.

After repeated conferences for discussion and final revision, this committee now submits its conclusions in the hope that the standards here presented will be a real influence in the constructive period of workmen's compensation legislation now before the country. The

Association has embodied these standards in a model bill providing compensation for injured employees of the federal government, and this bill has been reported favorably by the Committee on the Judiciary of the United States House of Representatives. It is hoped that this work may help to point the way toward that desirable uniformity in legislation which shall deal liberally with the injured workman and his dependents, fairly with the employer, and justly with the state.

#### STANDARDS FOR WORKMEN'S COMPENSATION LAWS

In the opinion of the American Association for Labor Legislation the following features are essential to satisfactory workmen's compensation laws:

**I. SCALE OF COMPENSATION.** Assuming machinery to insure the prompt payment of the compensation required by law, the scale of payments is the most important feature of the system. The strongest argument for compensation to all injured workmen or to their dependents is that shortened lives and maimed limbs due to industrial injuries are just as much expenses of production, which should be met by those conducting industry for their own profit, as are used-up raw materials or worn-out tools and machinery. The whole expense of losses to capital is necessarily borne by the employer. The whole expense of the personal losses due to injuries is the loss in wages sustained and the expenses for medical care during incapacity. The only logical reason for not imposing, through the employers, this entire expense on every industry that occasions it, is that injured workers must not be deprived of a motive for returning to work and to independent self-support as soon as they are able to do so. The compensation act, therefore, should provide for the expense of medical attendance up to a reasonable amount, and for the payment of such a proportion of wages to the victim of the injury during his incapacity, or to his dependents, if he be killed, as will provide for the resulting needs and yet not encourage malingering. The following scale is believed to conform to these requirements and to be the lowest that should be inserted in any compensation law:

**1. Medical Attendance.** The employer should be required to furnish necessary medical, surgical and hospital services and sup-

plies for a reasonable period (to be determined by the Accident Board). The Accident Board should be empowered to establish a schedule of physicians' and hospital fees and to control all such charges.

All of the acts except those of Kansas, Nevada, New Hampshire and Washington provide for medical attendance. In Kentucky, Maryland, Ohio, Oregon and West Virginia the period during which such services and supplies are to be furnished is left to the discretion of the Accident Board. In California, Connecticut, Massachusetts, Michigan, New York, Rhode Island, Texas and Wisconsin this board controls the amount of such services and supplies, and in Maryland and New York no charges of physicians and hospitals are enforceable unless approved by it.

2. **Waiting Period.** No compensation should be paid for a definite period—to be not less than three nor more than seven days—at the beginning of disability.

In Illinois, Kentucky, Ohio, Texas, West Virginia and Wisconsin the waiting period is as here recommended. In Oregon and Washington there is no waiting period.

3. **Compensation for Total Disability.** The disabled workman should receive during disability  $66\frac{2}{3}$  per cent of wages, not to exceed \$20 a week and not to be less than \$5 a week. If he is a minor, he should, after reaching twenty-one, receive  $66\frac{2}{3}$  per cent of the wages of able-bodied men in the occupation in which the injury occurred. If his wages are less than \$5 a week, his compensation should be the full amount of his wages.

All of the acts except those of Oregon and Washington base the compensation on a percentage of wages, rather than on a flat rate regardless of the wages.

The percentage of wages here recommended is the same as in Massachusetts, New York and Ohio. California and Wisconsin provide 65 per cent, while Nevada provides 60 per cent.

In California, Illinois, Kentucky, Maryland, New York, Ohio and West Virginia compensation for permanent total disability is allowed for life, and in Nebraska, Oregon and Washington compensation for total disability is payable during the continuance of the disability.

The fact that the injured employee is a minor is recognized in fixing compensation in California, Illinois, Iowa, Maryland, New York, Ohio and Wisconsin.

4. **Compensation for Partial Disability.** The workman who is only partially disabled should receive  $66\frac{2}{3}$  per cent of the



difference between his wages before the injury and his wage-earning capacity after the injury, not to exceed \$20 a week, with provisions for minors and workmen earning less than \$5 similar to those in the case of total disability.

The principle of basing compensation for partial disability upon loss of earning power is adopted, with respect to temporary partial disability, in all the acts in this country except those of Iowa and New Jersey; and is adopted, with respect to permanent partial disability, in the acts of Arizona, California, Kansas, Massachusetts, New Hampshire, Rhode Island, Texas, Washington and West Virginia.

## 5. Compensation for Death.

(1) *Funeral Expenses.* The employer should be required to pay a sum not exceeding \$100 for funeral expenses, in addition to any other compensation.

In Connecticut, Iowa, Kentucky, Louisiana, Nebraska, Nevada, New Jersey, New York, Ohio, Oregon, Washington and West Virginia, funeral expenses are paid in all cases of death, whether or not there are dependents. The same is true in Maryland, unless the decedent's estate is large enough to pay such expense. The maximum limit ranges from \$75 in Kentucky, Washington and West Virginia to \$200 in Massachusetts and Rhode Island.

(2) *Compensation for Widow.* If living with the decedent at the time of his death, or if dependent, the widow should be granted 35 per cent of his wages until her death or remarriage, with a lump sum on remarriage equal to two years' compensation.

The method of compensation for cases of death recommended in this and in the succeeding paragraphs is substantially the same as in New York and in the Sutherland bill now before Congress relating to railroad employees. The provision for a lump sum payment to the widow on remarriage is adopted in Nevada, New York, Oregon and Washington.

(3) *Compensation for Widower.* If living with the decedent at the time of her death and dependent upon her support, the widower should receive 35 per cent of her wages, or a proportionate amount if his dependency is only partial, to be paid until his death or remarriage.

(4) *Compensation for Widow or Widower and Children.* In addition to the compensation provided for the widow and widower, 10 per cent should be allowed for each child under



eighteen, not to exceed a total of  $66\frac{2}{3}$  per cent for the widow or widower and children. Compensation on account of a child should cease when it dies, marries or reaches the age of eighteen.

(5) *Compensation to Children if There Be No Widow or Widower.* In case children are left without any surviving parent 25 per cent should be paid for one child under eighteen, and 10 per cent for each additional such child, to be divided among such children share and share alike, not exceeding a total of  $66\frac{2}{3}$  per cent. Compensation on account of any such child should cease when it dies, marries or reaches the age of eighteen.

(6) *Compensation to Parents, Brothers, Sisters, Grandchildren and Grandparents if Dependent.* For such classes of dependents 25 per cent should be paid for one wholly dependent, and 5 per cent additional for each additional person wholly dependent, divided among such wholly dependent persons share and share alike, and a proportionate amount (to be determined by the accident board) if dependency is only partial, to be divided among the persons wholly or partially dependent according to the degree of dependency as determined by the accident board. These percentages should be paid in cases where there is no widow, widower or child. Where there is a widow, widower, or child, the members of this class should receive as much of these percentages as, when added to the total percentage payable to the widow or widower or child, will not exceed a total of  $66\frac{2}{3}$  per cent. Compensation to members of this class should be paid only during dependency.

(7) *Compensation for Alien Non-Resident Dependents.* Aliens should be placed on the same footing as other dependents.

In Maryland, New Hampshire and New Jersey alone are alien non-resident dependents expressly and entirely excluded from compensation. In Michigan, Minnesota, West Virginia and Wisconsin and, in part, in Connecticut, Kansas, Nebraska, New York, Oregon and Washington they are expressly included. In the other states they are apparently included in the absence of any reference to them.

(8) *Maximum and Minimum Compensation for Death.*

The wages on which death compensation is based should be taken to be not more than \$30 per week nor less than \$10 per week; but the total amount of the weekly compensation should not be more than the actual wages.

6. *Commutation for Periodical Compensation Payments.*

If the beneficiary is or is about to become a non-resident of the United States, or if the monthly payments to the beneficiary are less than \$5 a month, or if the accident board determines that it would be to the best interests of the beneficiary, the employer should be permitted to discharge his liability for future payments by the immediate payment of a lump sum equal to the present value of all the future payments computed at 4 per cent true discount, compound annually. For this purpose the expectancy of life should be determined according to a suitable mortality table, to be selected at the discretion of the accident board, and the probability of the happening of any contingency, such as marriage or the termination of disability, affecting the amount or duration of the compensation, should be disregarded.

Substantially similar provisions are found in nearly all the states.

**II. EMPLOYMENTS TO BE INCLUDED.** The general argument for a compensation system applies to all employments. Practical considerations, however, may justify the temporary exclusion from the operation of the law of farm labor, domestic service (except in connection with hotels and restaurants) and casual employment not carried on for the profit of the employer. The act should apply to all employees not embraced in these classes.

The principle of limiting the act to so-called "hazardous employments" is adopted only in Arizona, Kansas, Kentucky, Louisiana, Maryland, New Hampshire, New York, Oregon and Washington and, in part, in Illinois, and in most of these states employers and employees in other employments may elect to come under compensation.

Farm labor and domestic service are excepted from the operation of the act in nearly all the States, either expressly or indirectly.

In Kansas, Kentucky, Nebraska, Nevada, Ohio and Texas the operation of the act is limited to employers employing more than a certain number of employees, ranging from one to five; and in Connecticut, Rhode Island and Wisconsin employers of less than a certain number are not subjected to the abrogation of the defenses in case they refuse to elect compensation. In all the other States there is no distinction as to the number of employees.

In Iowa, Kentucky, New Hampshire and Washington, and apparently in Maryland, the employees to be included are limited to persons engaged in the hazardous part of the employment. In all the other States persons engaged in clerical work as well as those engaged in manual work are included.

Only in Kansas, Louisiana and New York is a casual employee included. In California, Minnesota and Rhode Island the method here recommended is in force. In some of the other States casual laborers are excluded even if employed for the purpose of the employer's trade or business.

**III. INJURIES TO BE INCLUDED.** Compensation should be provided for all personal injuries in the course of employment, and death resulting therefrom within six years, but no compensation should be allowed where the injury is occasioned by the wilful intention of the employee to bring about the injury or death of himself or of another. The act should embrace occupational diseases which, when contracted in the course of employment, should be considered personal injuries for which compensation shall be payable.

In all the states except Ohio, Texas and Washington the injury must arise "out of" as well as "in the course of" the employment.

The principle of limiting the time within which death must occur in order to form a basis for compensation is found in Arizona, California, Connecticut, Kentucky, Louisiana, Maryland, Nebraska, Ohio and West Virginia.

The exception of injuries caused by the wilful intention of the employee is found in Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Nevada, New Jersey, New York, Ohio, Oregon, Rhode Island, Washington, West Virginia and Wisconsin.

Occupational diseases have been construed to be personal injuries entitling the employee to compensation by the Supreme Court of Massachusetts.

**IV. OTHER REMEDIES THAN THOSE PROVIDED BY THE COMPENSATION ACT.** One of the weightiest arguments against the present system of employers' liability is that it causes vast sums to be frittered away in law suits that should be used in caring for the victims of accidents. To avoid this waste the compensation provided by the act should be **THE EXCLUSIVE REMEDY**. If the employer has been guilty of personal negligence, even going to the point of violating a safety statute, his punishment should be through a special action prosecuted by the state itself, not through a

civil suit for damages carried on at the expense and risk of the injured employee.

This is the law in Connecticut, Illinois, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Rhode Island and Wisconsin, except that in a few of these States if the employer fails to insure the payment of compensation the injured employee has the option of claiming compensation or of suing at law with the defenses removed.

**V. SECURITY FOR THE PAYMENT OF COMPENSATION AWARDS.** The supreme tests of a compensation system are, first the incentive provided for reducing accidents to the utmost, second, the promptness and certainty with which compensation claims are met. The strongest incentive toward prevention results from imposing the whole expense of compensation upon the employer. The irregularity and uncertainty of accidents, however, make this policy inexpedient for small employers with limited financial resources. Security can only be attained through some system of insurance. Employers should, therefore, be required to insure their compensation liability.

Arizona, California, Louisiana, Minnesota, Nebraska, New Jersey and Rhode Island are the only states which do not require in some form or other the employer to secure the payment of compensation either by insurance or by the giving of a bond.

In accordance with the plans of insurance at present provided for, employers may either:

1. Maintain their own insurance fund subject to the approval of the Accident Board;

In Connecticut, Illinois, Iowa, Kentucky, Maryland, Michigan, New Hampshire, New York, Ohio, and Wisconsin the employer is permitted to carry his own insurance, if satisfactory to the administrative authority.

2. Insure in a mutual association authorized to insure compensation liability;

Insurance in a mutual association is permitted in most states, including California, Connecticut, Illinois, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New York, Ohio, Texas and Wisconsin.



3. Insure in a state insurance fund managed by the accident board upon the same principles and subject to the same general requirements as those governing mutual insurance associations ;

State insurance funds are established in California, Kentucky, Maryland, Michigan, Ohio, Oregon, New York, Nevada, Washington and West Virginia.

4. Insure in a private stock company, such companies to be subjected to the most rigid regulation as regards the rates to be charged, the agents' commissions to be paid, and the methods of compensation to be used, so that the state may be spared the experience of some states which have tried to organize an efficient state insurance system while subjecting such system to the competitive methods notoriously employed by many agents of the casualty companies.

Insurance in private stock companies is allowed in every state except Nevada, Oregon, Washington and West Virginia.

**VI. ORGANIZATION OF ACCIDENT BOARD.** It is essential to the successful operation of the compensation system that an accident board be created. This board should consist of three or five members appointed by the governor with the consent of the senate. The board should have power to employ necessary assistants. Its members should be required to devote their entire time to its work and should not be permitted to carry on any other business or profession for profit. The entire cost of administration of the accident board, including the administration expenses of conducting the state insurance fund managed by the accident board, should be paid out of an appropriation made by the state.

Accident boards are provided in all of the states except Arizona, Kansas, Louisiana, Minnesota, Nebraska, New Hampshire, New Jersey and Rhode Island.

**VII. PROCEDURE FOR SETTLEMENT OF COMPENSATION CLAIMS.** Provision should be made for the settlement of compensation claims either by agreement subject to the approval of the accident board, or if no such agreement be reached, by arbitration before a committee composed as follows: One representative of the employer, one representative of the claimant, one member of the accident board or an authorized deputy. The decision of this



committee should be made conclusive, unless the appeal therefrom is made to the accident board within a specified time. The accident board's disposition of the case on appeal from the arbitration committee should be final and conclusive unless appeal therefrom is taken within a specified time. Appeals from decrees of the accident board should not be allowed, except on questions of law, and should be carried direct to the highest court.

Agreements must be approved by the accident board in California, Connecticut, Massachusetts and Michigan. In Iowa and Wisconsin, agreements may be disapproved within a certain time. In Illinois an agreement to waive the provisions of the act as to the amount payable must be approved by the board. In Minnesota and Rhode Island agreements must be approved by the court. The same is true in New Jersey in the case of minors.

The procedure here recommended for the settlement of compensation where no agreement is reached is substantially the same as in Illinois, Iowa, Massachusetts and Michigan.

**VIII. REPORTS OF ACCIDENTS.** The bill should contain provisions similar to those of the standard accident reporting bill of the American Association for Labor Legislation, now in use for about half the industrial population of the country, requiring full and accurate reports of all industrial accidents as a basis for computation of future industrial accident rates and for future safety regulations to decrease or prevent accidents.

The essential features of workmen's compensation law here outlined are urged on the basis of a careful study of the whole question and of the compensation legislation not only of other states but of European countries. As one of the functions of the Association for Labor Legislation is to promote the enactment of uniform labor laws, it earnestly recommends to the careful consideration of legislators and of those who are interested in social progress the country over, the foregoing just, reasonable and progressive workmen's compensation standards.

## PRELIMINARY STANDARDS FOR SICKNESS INSURANCE

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### *Recommended by the* COMMITTEE ON SOCIAL INSURANCE

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After many conferences for discussion and revision of proposals, the Committee on Social Insurance of the American Association for Labor Legislation formulated in the summer of 1914 a tentative statement of the essential lines which it purposes to follow in the drafting of a sickness insurance bill. In the hope that this statement would call forth helpful suggestions and be of substantial assistance in formulating legislative plans in the several states in which the subject has begun to receive attention, it was published as follows:

1. To be effective sickness insurance should be compulsory, on the basis of joint contributions of employer and employee and the public.

2. The compulsory insurance should include all wage workers earning less than a given annual sum, where employed with sufficient regularity to make it practicable to compute and collect assessments. Casual and home workers should, as far as practicable, be included within the plan and scope of a compulsory system.

3. There should be a voluntary supplementary system for groups of persons (wage workers or others) who for practical reasons are kept out of the compulsory system.

4. Sickness insurance should provide for a specified period only, provisionally set at twenty-six weeks (one-half a year), but a system of invalidity insurance should be combined with sickness insurance so that all disability due to disease will be taken care of in one law, although the funds should be separate.

5. Sickness insurance on the compulsory plan should be carried by mutual local funds jointly managed by employers and employees under public supervision. In large cities such locals may be organized by trades with a federated bureau for the medical relief. Establishment funds and existing mutual sick funds may be permitted to carry the insurance where their existence does not injure the local funds, but they must be under strict government supervision.

6. Invalidity insurance should be carried by funds covering a larger geographical area comprising the districts of a number of

local sickness insurance funds. The administration of the invalidity fund should be intimately associated with that of the local sickness funds and on a representative basis.

7. Both sickness and invalidity insurance should include medical service, supplies, necessary nursing and hospital care. Such provision should be thoroughly adequate, but its organization may be left to the local societies under strict governmental control.

8. Cash benefits should be provided by both invalidity and sickness insurance for the insured or his dependents during such disability.

9. It is highly desirable that prevention may be emphasized so that the introduction of a compulsory sickness and invalidity insurance system shall lead to a campaign of health conservation similar to the safety movement resulting from workmen's compensation.

VI

UNEMPLOYMENT

## **Executive Committee, American Section of the International Association on Unemployment**

**CHARLES R. CRANE**, *Chairman*

Vice-President, The Crane Company, Chicago

Former Chairman, Chicago Commission on the Unemployed

President, American Section, International Association on Unemployment.

**HENRY S. DENNISON**

President, Dennison Manufacturing Company, Boston

**CHARLES RICHMOND HENDERSON**

Professor, Sociology, University of Chicago

Former Secretary, Chicago Commission on the Unemployed

Author, Industrial Insurance in the United States, etc.

**JOHN MITCHELL**

Member State Workmen's Compensation Commission of New York

Former President, United Mine Workers of America

Author, Organized Labor, Its Problems, Purposes and Ideals

**CHARLES P. NEILL**

Director, Labor and Welfare Department, American Smelting and Refining Company

Former Commissioner, United States Bureau of Labor

**JOHN B. ANDREWS**, *Secretary (ex-officio)*

Secretary, American Association for Labor Legislation



## UNEMPLOYMENT

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Parallel with the need of protecting the workman at his work runs the need of protecting him in his possession of work. At the Paris conference in 1910 which resulted in the organization of the International Association on Unemployment the American Association for Labor Legislation was represented by eight delegates: Henry W. Farnam, Charles P. Neill, Edward T. Devine, Lee K. Frankel, John B. Andrews, Irene Osgood Andrews, William Leiserson, and Helen L. Sumner. The following year, at its Fifth Annual Meeting, the American Association devoted one entire session to the problem of unemployment in America, the upshot of which was the formation, upon motion of Professor Charles Richmond Henderson of Chicago University, of the American Committee on Unemployment, to represent the Association in its relations with the international body and to conduct studies and to launch a campaign against involuntary idleness in this country. Professor Henderson was made chairman of the committee, which also included William Hard, editorial staff of Everybody's Magazine; William M. Leiserson, Wisconsin Superintendent of Employment Offices; Jane Addams, Hull House; and John B. Andrews, secretary.

The first contact between this committee and the International Association on Unemployment was established through a request from Mr. Treub, of Holland, for certain information to be collected in the United States. Meeting the request, Professor Henderson sent an inquiry to the mayors of the principal cities and to the presidents of many of the more important railways of the country to ascertain "the nature and the extent of any efforts made by them so to adjust their contracts and their works of repair or of construction as to avoid as far as possible the general discharge of employees in slack seasons and in times of industrial depression." The information thus secured was published by the international organization with the proceedings of its international conference at Zurich in September 1912. At that conference the committee was represented by Professor Henderson, Lee K. Frankel, Mr. and Mrs. Andrews, and Charles H. Verrill.

### AMERICAN SECTION ON UNEMPLOYMENT

Growing out of that "social week" at Zurich where international

conferences were held by the three great international associations on unemployment, social insurance, and labor legislation, a plan for close cooperation to avoid wasteful and annoying duplication of effort in all nations was developed. The executive committee of the International Association on Unemployment submitted to the American committee by-laws which when adopted in December, 1912, formed the American Section of the International Association on Unemployment in close affiliation with the American Association for Labor Legislation. The purpose as expressed in the by-laws of the Association on Unemployment is

- (a) To assist the International Association in the accomplishment of its task (Section 1, ss. 3 and 4, of the Statutes of the International Association) :

The aim of the Association is to co-ordinate all the efforts made in different countries to combat unemployment.

Among the methods the Association proposes to adopt in order to realize its object the following may be specially noticed :

- (a) The organization of a permanent international office to centralize, classify and hold at the disposition of those interested, the documents relating to the various aspects of the struggle against unemployment in different countries.
- (b) The organization of periodical international meetings, either public or private.
- (c) The organization of special studies on certain aspects of the problem of unemployment and the answering of inquiries on these matters.
- (d) The publication of essays and a journal on unemployment.
- (e) Negotiations with private institutions, or the public authorities of each country, with the object of advancing legislation on unemployment, and obtaining comparable statistics or information and possibly agreements or treaties concerning the question of unemployment.
- (b) To co-ordinate the efforts made in Ameica to combat unemployment and its consequences, to organize studies, to give information to the public, and to take the initiative in shaping improved legislation and administration, and practical action in times of urgent need.

#### THE CHICAGO COMMITTEE

It was through the activity of the chairman of the committee that Carter H. Harrison, Mayor of Chicago, appointed the Chicago Unemployment Commission, with Charles R. Crane, chairman, and Professor Charles R. Henderson, secretary. The Chicago commission divided its members into seven committees each charged with a study of some important aspect of the question :

(1) The nature and extent of unemployment, especially in Chicago; (2) Methods of securing employment, including an inquiry into the workings of the state free employment bureaus, the private bureaus, and the methods of employers; (3) Extent and effects of migration between Europe and America in relation to unemployment; (4) The adjustment, or "dovetailing," of employment; (5) The methods of relief of the destitute unemployed; (6) The laws relating to vagrancy and mendicancy, and methods of betterment required; (7) The relation of vocational training and guidance to unemployment.

After a careful study by the second committee, the commission passed the following resolution:

1. We recommend the establishment of a labor exchange so organized as to assure: (a) adequate funds to make it efficient in the highest possible degree; (b) a mode of appointment of the salaried directors which will protect it against becoming the spoils of political factions and parties; and (c) a board or council of responsible citizens, representing employers, employees and the general public, to direct the general policy and watch over the efficiency of the administration, this board or council having the power to employ and discharge all employees subject to proper regulations of the civil service commission.

2. We recommend that the governor and legislature be requested at the next session of the legislature to amend the present law relating to free state employment bureaus so as to secure a central state labor exchange, based on the principles just stated.

A complete 175-page report was issued by the committee early in 1914.

Meanwhile the secretary of the American Section drafted an immediate program of action, prepared an American bibliography on unemployment to be included in the international bibliography on this subject to be published in English, French and German, under the direction of the international organization by the Municipal Library of Budapest, Hungary, analyzed existing legislation in the United States, prepared statistics of public employment bureaus, distributed information, collected and forwarded the dues of American members, and secured through special contributions a fund of a little more than \$1,100 to inaugurate a preliminary survey by the American Section.

At the Seventh Annual Meeting in December 1913, the following executive committee was elected: Charles R. Crane, Henry S. Denison, Charles P. Neill, John Mitchell, Charles R. Henderson, and ex officio, Adolph Lewisohn (treasurer), and John B. Andrews (secretary).

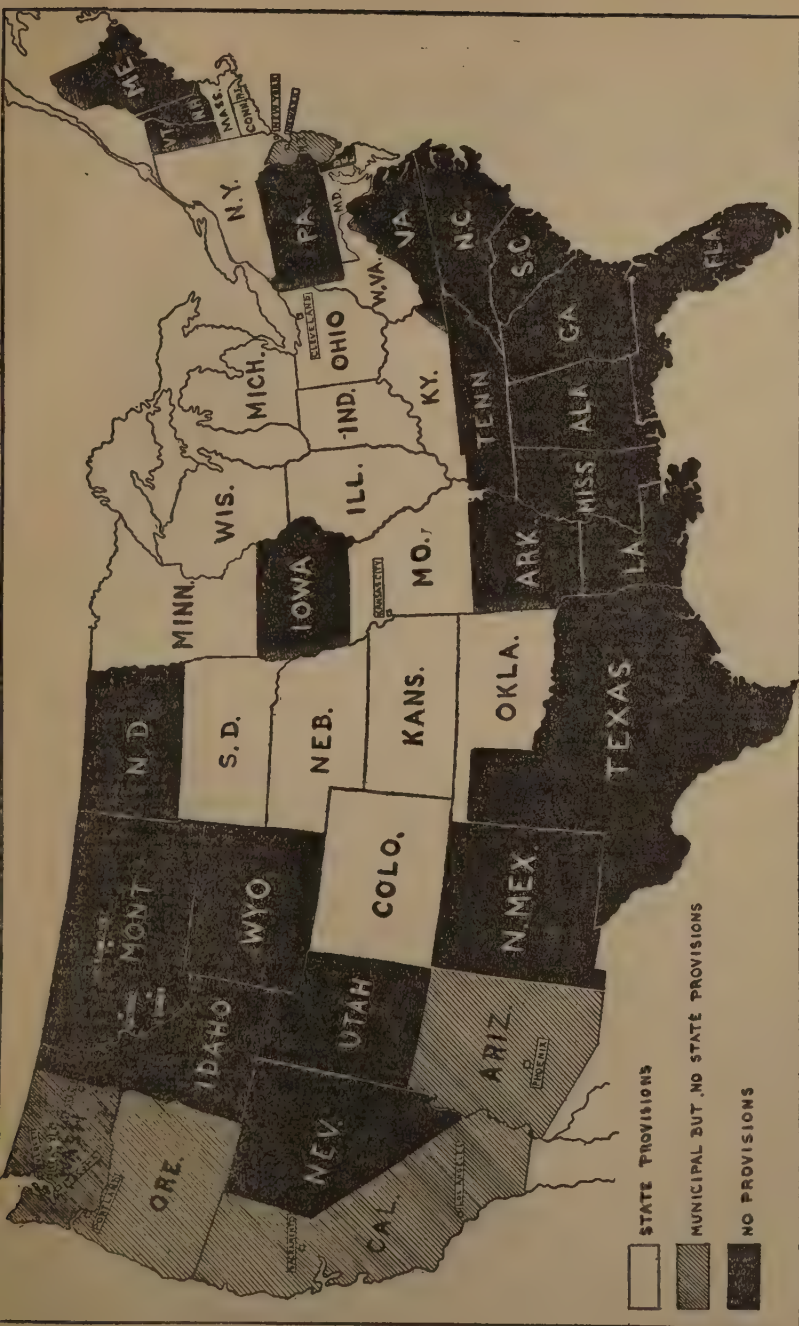
## FIRST NATIONAL CONFERENCE ON UNEMPLOYMENT

The First National Conference on Unemployment, in New York City, February 27-28, 1914, was called jointly by the American Association for Labor Legislation and by the American Section of the International Association on Unemployment for the purpose of focussing national attention on the problem. The conference was composed of delegates from twenty-five states and from fifty-nine cities. Among them were representative trade unionists, employers, economists and government officials, but all were agreed in having vital concern in the out-of-work problem. Reports on the state of employment in their respective localities formed a solid foundation for the discussion of constructive remedies, and despite the diversity of view-points represented, five main points of agreement became clearly defined. These were (1) the need for accurate labor market statistics; (2) the need for a national system of efficient labor exchanges; (3) the need for regularizing business; (4) the need for industrial training and vocational guidance; and (5) the need for unemployment insurance.

## LEGISLATIVE ACTION

At the close of the conference, following the adoption of resolutions expressing the conclusions reached, active steps were taken to put the resolutions into effect. In New York state, on March 6, Governor Glynn sent to the legislature a special message urging the immediate establishment of a state system of employment bureaus. The administration's bill was introduced a few days later, and passed on the closing evening of the session, March 28, after a vigorous campaign. On March 21 Mayor Mitchel of New York city sent a special message to the board of aldermen urging the creation of a municipal employment bureau. The ordinance was adopted on April 28, and the office, opened for business on November 19, is the best equipped in America. Meanwhile work was continued on proposals to carry out sections of the resolutions urging the establishment in the federal Department of Labor of a bureau "with power to establish employment exchanges throughout the country to supplement the work being done by state and municipal bureaus, to act as a clearing house of information and promote the distribution of labor throughout the country." A bill for this purpose was introduced in Congress on April 29, 1914, by Representative Murdock of Kansas.





## LEGISLATIVE PROVISIONS FOR PUBLIC LABOR EXCHANGES IN THE UNITED STATES <sup>1</sup>

Nineteen States and at least eighteen municipalities have already provided for public labor exchanges.

Besides the municipal exchanges maintained in the shaded area, such exchanges are also provided for in Missouri, Montana, New York and Ohio where indicated. Davenport, Ia., Pittsburgh, Pa., and Richmond, Va., have also established exchanges during the summer and autumn of 1914.

<sup>1</sup>Revised to May 1, 1914.



Especially helpful in the New York campaign was a 26-page report by a committee of the City Club of New York on Public Employment Exchanges, of which Morris L. Ernst was chairman and John B. Andrews was secretary, several thousand copies of this report having been distributed by the Association.

#### PUBLICATIONS

August 1910—Review of Labor Legislation of 1910, containing Unemployment (2 p.).

October 1911—Review of Labor Legislation of 1911, containing Unemployment (5 p.).

February 1912—Proceedings of Fifth Annual Meeting, containing Introductory Address on Unemployment (2 p.); Unemployment as a Coming Issue (8 p.); Experience of the National Employment Exchange (4 p.); Recent Advances in the Struggle against Unemployment (6 p.).

October 1912—Review of Labor Legislation of 1912, containing Unemployment (1 p.).

February 1913—Proceedings of Sixth Annual Meeting, containing Report of the Committee on Unemployment (10 p.).

June 1913—Proceedings of First National Conference on Social Insurance, containing Insurance against Unemployment (11 p.).

October 1913—Review of Labor Legislation of 1913, containing Unemployment (5 p.).

February 1914—Unemployment, a Problem of Industry; program and announcement of the First National Conference on Unemployment (16 p.).

March 1914—Proceedings of Seventh Annual Meeting, containing Appeal of International Association on Unemployment (6 p.).

May 1914—Proceedings of First National Conference on Unemployment. Organization to Combat Unemployment (12 p.); Reports of Delegates on the State of Employment (34 p.); Public Responsibility (24 p.); English Method of Dealing with the Unemployed (13 p.); The Struggle against Unemployment (6 p.); German System of Labor Exchanges (5 p.); Public Employment Offices in Theory and Practice (18 p.); Resolutions (2 p.); Public Employment Exchanges in the United States (13 p.); Present Status of Unemployment Insurance (13 p.); New Legislation on Employment Exchanges (9 p.); Select Bibliography on Unemployment (18 p.).

October 1914—Review of Labor Legislation of 1914, containing Unemployment (3 p.).

## LAWS FOR PUBLIC EMPLOYMENT AGENCIES

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The American Section of the International Association on Unemployment has not yet published any standard bill for American systems of public employment agencies. The New York State law is therefore given in full as the most recent and most complete thus far passed in the United States.

### *Law creating the*

#### NEW YORK STATE BUREAU OF EMPLOYMENT (Approved April 7, 1914. Chapter 181, Laws 1914)

*Director.*—The bureau of employment shall be under the immediate charge of a director who shall have recognized executive and managerial ability, technical and scientific knowledge upon the subject of unemployment and administration of public employment offices and recognized capacity to direct investigations of unemployment and public and private agencies for remedying the same. The civil service examination for the position of director shall be such as to test whether candidates have the above qualifications. As a part of such examination each candidate shall be required to submit a detailed plan of organization and administration of employment offices such as are contemplated by this article.

*Public employment offices.*—The commissioner of labor shall establish such public employment offices, and such branch offices, as may be necessary to carry out the purpose of this article.

*Purpose.*—The purpose of such offices shall be to bring together all kinds and classes of workmen in search of employment and employers seeking labor.

*Officers.*—Each office shall be in charge of a superintendent, who shall be subject to the supervision and direction of the director. Such other employees shall be provided as may be necessary for the proper administration of the affairs of the office.

*Registration of applicants.*—The superintendent of every public employment office shall receive applications from those seeking employment and from those seeking employees and shall register every applicant on properly arranged cards or forms provided by the commissioner of labor.

*Reports of superintendents.*—Each superintendent shall make to the director such periodic reports of applications for labor or employment and all other details of the work of each office, and the expenses of maintaining the same, as the commissioner of labor may require.

*Advisory committees.*—The commissioner of labor shall appoint for each public employment office an advisory committee, whose duty it shall be to give the superintendent advice and assistance in connection with the management of such employment office. The superintendent shall consult from time to time with the advisory committee attached to his office. Such advisory committee shall be composed of representative employers and employees with a chairman who shall be agreed upon by a majority of such employers and of such employees. Vacancies, however caused, shall be filled in the same manner as the original appointments. The advisory committees may appoint such subcommittees as they may deem advisable. At the request of a majority either of the employers or of the employees on advisory committees, the voting on any particular question shall be so conducted that there shall be an equality of voting power between the employers and the employees, notwithstanding the absence of any member. Except as above provided, every question shall be decided by a majority of the members present and voting on that question. The chairman shall have no vote on any question on which the equality of voting power has been claimed.

*Notice of strikes or lockouts.*—An employer, or a representative of employers or employees, may file at a public employment office a signed statement with regard to the existence of a strike or lockout affecting their trade. Such a statement shall be exhibited in the employment office, but not until it has been communicated to the employers affected, if filed by employees, or to the employees affected, if filed by employers. In case of a reply being received to such a statement, it shall be exhibited in the employment office. If any employer affected by a statement notifies the public employment office of a vacancy or vacancies, the officer in charge shall advise any applicant for such vacancy or vacancies of the statements that have been made.

*Applicants not to be disqualified.*—No person shall suffer any disqualification or be otherwise prejudiced on account of refusing to accept employment found for him through a public employment office, where the ground of refusal is that a strike or lockout exists

which affects the work, or that the wages are lower than those current in the trade in that particular district or section where the employment is offered.

*Departments.*—The commissioner of labor may organize in any office separate departments with separate entrances for men, women and juveniles; these departments may be subdivided into a division for farm labor and such other divisions for different classes of work as may in his judgment be required.

*Juveniles.*—Applicants for employment who are between the ages of fourteen and eighteen years shall register upon special forms provided by the commissioner of labor. Such applicants upon securing their employment certificates as required by law, may be permitted to register at a public or other recognized school and when forms containing such applications are transmitted to a public employment office they shall be treated as equivalent to personal registration. The superintendent of each public employment office shall co-operate with the school principals in endeavoring to secure suitable positions for children who are leaving the schools to begin work. To this end he shall transmit to the school principals a sufficient number of application forms to enable all pupils to register, who desire to do so; and such principals shall acquaint the teachers and pupils with the purpose of the public employment office in placing juveniles. The advisory committee shall appoint special committees on juvenile employment which shall include employers, workmen, and persons possessing experience or knowledge of education, or of other conditions affecting juveniles. It shall be the duty of these special committees to give advice with regard to the management of the public employment offices to which they are attached in regard to juvenile applicants for employment. Such committees may take steps either by themselves or in co-operation with other bodies or persons to give information, advice and assistance to boys and girls and their parents with respect to the choice of employment and other matters bearing thereon.

*Co-operation of public employment offices.*—The commissioner of labor shall arrange for the co-operation of the offices created under this article in order to facilitate, when advisable, the transfer of applicants for work from places where there is an over-supply of labor to places where there is a demand. To this end he shall



cause lists of vacancies furnished to the several offices, as herein provided, to be prepared and shall supply them to newspapers and other agencies for disseminating information, in his discretion, and to the superintendents of the public employment offices. The superintendent shall post these lists in conspicuous places, so that they may be open to public inspection.

*Advertising.*—The commissioner of labor shall have power to solicit business for the public employment offices established under this article by advertising in newspapers and in any other way that he may deem expedient, and to take any other steps that he may deem necessary to insure the success and efficiency of such offices; provided, that the expenditure under this section for advertising shall not exceed five per centum of the total expenditure for the purposes of this article.

*Service to be free.*—No fees direct or indirect shall in any case be charged to or received from those seeking the benefits of this article.

*Penalties.*—Any superintendent or clerk, subordinate or appointee, appointed under this article, who shall accept directly or indirectly any fee, compensation or gratuity from any one seeking employment or labor under this article, shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars, or by imprisonment in jail for a term not exceeding six months, or both, and shall thereafter be disqualified from holding any office or position in such bureau.

*Labor market bulletin.*—The bureau of statistics and information of the department of labor shall publish a bulletin in which shall be made public all possible information with regard to the state of the labor market including reports of the business of the various public employment offices.

*Information from employment agencies.*—For the purpose specified in the foregoing section every employment office or agency, other than those established under this article, shall keep a register of applicants for work and applicants for help in such form as may be required by the commissioner of labor in order to afford the same information as that supplied by state offices. Such register shall be subject to inspection by the commissioner of labor and information therefrom shall be furnished to him at such times and in such form as he may require.



VII

ONE DAY OF REST IN SEVEN

**Committee on One Day of Rest in Seven**  
**(Committee on Continuous Industries)**

JOHN FITCH, *Chairman*

Associate Editor, The Survey  
Author, The Steel Workers

LOUIS D. BRANDEIS

Attorney, Boston

CHARLES M. CABOT

United States Steel Corporation

ERNST FREUND

Professor, Jurisprudence and Public Law, University of Chicago  
Law School

Commissioner of Uniform State Laws for Illinois

Author, The Police Power, etc.

CHARLES S. MACFARLAND

Secretary, Federal Council of the Churches of Christ in America

Author, The Christian Ministry and the Social Order, etc.

WILLIAM D. MAHON

President, Amalgamated Association of Street and Electric Railway  
Employees of America

## ONE DAY OF REST IN SEVEN

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An important activity of the Association has been its campaign for one day of rest in seven and for the reduction of the length of the shift in continuous industries.

The Sixth Delegates' Meeting of the International Association for Labor Legislation, at Lugano, 1910, established a Special Commission on Hours of Labor in Continuous Industries, the members of which prosecuted studies in their home countries and met in London, June, 1912, to formulate a report for presentation to the Seventh Delegates' Meeting occurring at Zurich three months later. The American Association was represented on this commission by John Fitch of *The Survey*, author of the volume on *The Steel Workers* in the Pittsburgh Survey.

One of the first duties of the commission was to agree on a definition of a "continuous industry," which it finally formulated in the following terms:

A continuous industry or part of an industry is one where work is carried on night and day for not less than thirty days in a year, whether or not there are short interruptions when shifts are changed or during meal times or when work is stopped at the week ends. The subdivisions of continuous industries will then be as follows:

- (1) Industries or parts of industries which are continuous (work night and day) for technical reasons:
  - (a) Industries which are absolutely continuous (i.e., work night and day, week-days, and Sundays);
  - (b) Industries which work continuously five or six days in the week and then stop at the week end.
- (2) Industries or parts of industries which are habitually continuous, not on account of technical necessity, but for reasons of economy (in order to obtain cheapness of production, or larger output, etc.), or of public necessity.

Thereupon the following resolutions were adopted:

### RESOLUTION I:

- (a) In view of the facts which have been placed before the commission, we are of opinion that the eight-hour shift in continuous industries (industries working night and day) is the best shift system for such work, and should be strongly recommended both from the point of view of the physical and moral welfare of the workers and in the social and economic interests of society generally.

- (b) The special reports presented by the different national sections have shown that in the iron and steel industries the eight-hour day is very necessary, and is practicable.
- (c) The commission asks the International Association to address to the governments as soon as possible the request to arrange a conference of the interested states, with a view to arriving at an international agreement as to the introduction of the eight-hour day in these industries.

RESOLUTION II:

- (1) The commission is of opinion that the national sections should, by investigations, prepare the way for the introduction of the eight-hour day or of a corresponding maximum week in the continuous industries where
  - (a) the working day (i.e., hours during which the workmen are required to be present at the works) exceeds ten hours in twenty-four;
  - (b) each set of men works more than six shifts per week.
- (2) Notwithstanding, the commission is of opinion that, as regards glass works, the investigations are sufficiently advanced for the conclusion of an international convention to be recommended, on the basis of a maximum working week of fifty-six hours, with an uninterrupted weekly rest of twenty-four hours.

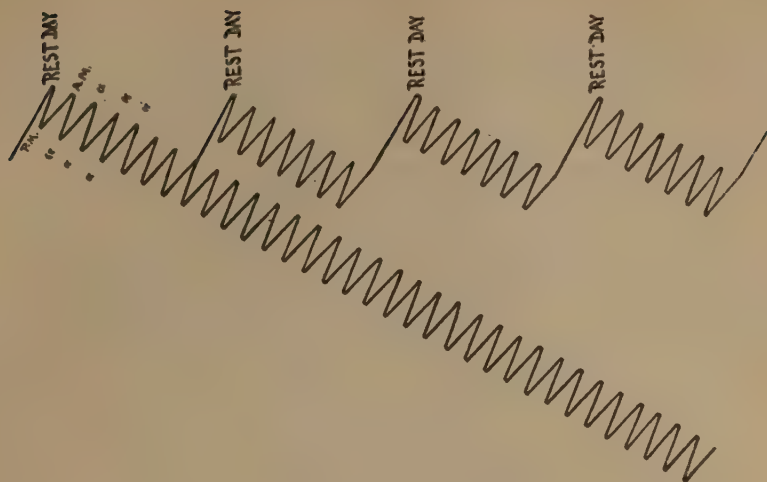
Action in conformity with these resolutions was taken by the Zurich meeting. In America the 26-page report of the special commission was widely circulated from Association headquarters, and studies were pushed ahead looking especially to the limitation of the working week to six days.

At the annual meetings much attention is regularly given to the topic of hygienic working hours. Thus at the Fifth Annual Meeting, in December, 1911, the following resolutions were unanimously adopted upon motion of John Martin:

Whereas the number of industries that are kept in continuous operation and the number of wage-earners who are regularly employed every day in the week in such industries have greatly increased in recent years;

Whereas the so-called Sunday Laws enacted in the first instance to protect the Sabbath from desecration have not only, in the turmoil and rush of modern industrial conditions, failed to do that, but have also signally failed in protecting men from the debasing effects of continuous seven-day toil;

Whereas regular employment for eight hours or more a day on all seven days of the week tends to undermine the health, dwarf the minds and debase the morals of those engaged in it, by depriving them of the opportunity for reasonable rest, relaxation and enjoyment with family and friends, which is craved by every normal person; and



HAEGLER'S CHART

[From *Weekly Rest from the Hygienic Viewpoint*, Geneva, 1883]

Fatigue curves show daily depletion of strength and nightly recuperation.

The upper line shows the effect of the weekly day of rest.

The lower line shows the gradual depression of strength with daily work and no time of rest.

Whereas several large companies have found it practicable to adopt a system allowing one day's rest in seven to all employees in continuous processes; Therefore be it

*Resolved*, That this Association favors, and pledges itself to support legislation that will serve to protect industrial workers from being required or permitted to work regularly seven days in any week, and be it further

*Resolved*, That the president of this Association be directed to appoint a committee of five or more persons to draft a bill designed to accomplish this object, and that an earnest effort be made to secure the enactment of this bill into law in the several states.

In accordance with these resolutions, the following committee was appointed: John Fitch, chairman; Charles S. McFarland, Federal Council of the Churches of Christ in America; Charles M. Cabot, United States Steel Corporation; Louis Brandeis, attorney; Ernst Freund, University of Chicago Law School; William D. Mahon, Amalgamated Association of Street and Electric Railway Employees of America, and John B. Andrews, secretary. A stand-



ard bill for uniform legislation was drafted, and in 1913 was enacted in both New York and Massachusetts. The law has been found helpful by organized and unorganized workers in improving their conditions of labor, and has been welcomed by enlightened employers. An extended report on the operation of the law in the two states named will be found on the following pages.

At the Seventh Annual Meeting the Association was fortunate in securing as chairman of its session on Working Hours in Continuous Industries the Hon. William C. Redfield, Secretary of Commerce, whose declaration that "tired men are partly poisoned men" struck the keynote of the campaign for shorter working hours on the basis of efficiency as well as of social justice.

#### PUBLICATIONS

Association publications on the subject of hours of adult men, including publications on one day of rest in seven, are:

August 1910—Review of Labor Legislation of 1910, containing Hours (2 p.).

October 1911—Review of Labor Legislation of 1911, containing Hours (5 p.).

October 1912—Review of Labor Legislation of 1912, containing Hours (5 p.).

December 1912—Immediate Legislative Program, containing One Day of Rest in Seven (17 p.).

January 1913—Leaflet No. 10, on One Day of Rest in Seven (4 p.).

February 1913—Proceedings of Sixth Annual Meeting, containing Rest Periods for the Continuous Industries (10 p.).

October 1913—Review of Labor Legislation of 1913, containing Hours (8 p.).

March 1914—Proceedings of Seventh Annual Meeting, containing Introductory Address on Working Hours in Continuous Industries (4 p.); Work Periods in Continuous Day and Night Occupations (8 p.); Eight-hour Shifts in the Milling Industry (3 p.); Long Hours in Railroading (9 p.); Constitutional Aspects of Hour Legislation for Men (3 p.).

October 1914—Review of Labor Legislation of 1914, containing Hours (5 p.).

# OPERATION OF WEEKLY REST DAY LAW IN NEW YORK AND MASSACHUSETTS

## NEW YORK

The New York law providing for one day of rest in seven for workers in manufacturing and mercantile establishments was enacted in 1913 and went into effect on October 1 of that year.

During the first twelve months of the law's operation, ending September 30, 1914, three classes of questions have arisen with regard to it. One class relates to the establishments or occupations covered. In many cases employees who wanted a day off, and employers who did not, wrote to the department of labor for relief only to find that the law did not apply to them. In many cases, also, occupations were involved concerning which it was previously not clear whether or not they were factories or mercantile establishments as these are defined in the law. In some of the cases opinions were secured from the attorney-general; others were handled by departmental rulings.

The second class of questions arises from the power given to the New York Industrial Board to grant exemptions "for specified periods," "when the preservation of property, life or health requires." During the first year some forty-four formal requests for exemption under this clause have come to the board. Among the industries represented were the cheese, cream, condensed milk, ice, candy, canned fruit and vegetables, flour, brewing, limestone and sand, brick, coal tar dyes, paper, and electric power. The following table shows the disposition of the cases, as shown in the minutes of the board, which under the law are public records.

APPLICATIONS TO NEW YORK INDUSTRIAL BOARD FOR EXEMPTION UNDER  
ONE-DAY-REST LAW, WITH RESULTS AND REASONS

<i>Industry</i>	<i>Result</i>	<i>Reason</i>
Creamery	Denied	Statute does not contemplate continuous exemption
Limestone and sand	Granted	Situation probably not anticipated in the statute
Florist	Denied	Statute does not contemplate continuous exemption

<i>Industry</i>	<i>Result</i>	<i>Reason</i>
Meat packing	Denied	Referred to Commissioner of Labor to devise means of complying with law
Not stated	Granted	Granted pending investigation by inspector; later confirmed
Flour milling	Granted	Preservation of property—large grain shipment expected, wanted to grind grain in elevator to make room
Cooperage	Denied	Board has no power to permit firemen to work 6 hours on Sunday instead of 3
Cheese	Granted	Preservation of property
Not stated	Tabled	Referred to Committee on Sanitation and Comfort, which reported insufficient information
Florist	Denied	Could keep open on the two Sundays requested by giving employees other days off
Not stated	Referred to Commissioner of Labor for adjustment if possible	Not stated
Malt	Denied	Statute does not contemplate continuous exemption
Not stated	Referred to Commissioner of Labor	Upon investigation by special agent of Department, firm agreed to give men who were called upon to do Sunday work a day off in the following week
Ice	Referred to Administrative authority	Not within purview of Board
Brewing	Denied	Not stated
Brewing	Denied	Not stated
Creamery	No action	No reply to Board's statement of policy
Creamery	Same as above	Same as above
Electric Appliances	Granted	Emergency—destructive fire in plant
Cheese	Action deferred pending result of bill	Bill pending, exempting industry from law

<i>Industry</i>	<i>Result</i>	<i>Reason</i>
Condensed milk	Same as above	Same as above
Paper	Referred to special committee	Not stated
Electric power (Request for interpretation of statute)	Laid aside	Bill pending, amending definition of factory, which would settle question
Reduction	Granted	Large accumulation of garbage, due to high water, a menace to health
Horticulture	Referred to Commissioner of Labor	Not stated
Furnace	Public hearing held; no action	Not stated
Dry dock	Referred to Commissioner of Labor	Not stated
Brick	No action	Matter not in shape to be handled by Board
Canning	Granted (for 83 plants owned by 54 firms)	"Serious damage and loss by reason of sudden and rapid ripening of crops, unless anticipatory relief is granted"
Brick	No action	No action necessary
Cheese (Request for extension of expired exemption)	Granted	Firm willing to reduce weekly hours without reduction of pay, but found seven day work necessary; agreed to reduce hours to 60 and as rapidly as possible to 55 a week
Not stated	Granted	"Difficulty of securing and keeping competent help due to isolation of the establishment"
Milling	Denied	Company failed to establish its inability to engage additional men to meet emergency
Clay products	Denied	Company failed to establish inability to secure additional skilled help; also, exemption not necessary for preservation of property
Canning	Granted	Merely transfer of existing exemption to purchasing company

<i>Industry</i>	<i>Result</i>	<i>Reason</i>
Coal tar dyes	Granted	Great demand for product due to stoppage of importations by war; \$1 offered for pound of product, usual price 25 cents; if not supplied, many textile mills would be forced to shut down, causing unemployment
Canning	Granted	Preservation of property
Lumbering	No action	Outside of Board's jurisdiction
Canning	} Granted by Commissioner of La- bor, action approved by Board	Preservation of property
Canning		
Canning		
Candy	Denied	Not warranted by conditions as set forth in application
Not stated	No action	No reply to Board's statement of policy
Ice	Denied	Not stated

From this table it will be seen that of the forty-four applications for exemption fifteen were granted, while twelve were denied and seventeen were tabled, referred to special committees or to the commissioner of labor for adjustment, or otherwise disposed of. In one case, however, it should be noted that the exemption granted was a blanket exemption covering eighty-three cannery plants operated by fifty-four firms, all members of one association. The most common ground for granting exemptions was preservation of property (eight cases), while the following grounds were given in one case each: preservation of health, emergency due to fire in the plant; situation not anticipated in statute; promise of employer to reduce weekly hours; difficulty of securing and keeping competent men; danger of widespread unemployment if company was not able to supply product; in one case no reason was stated. On the other hand, exemptions were denied on the following grounds: statute does not contemplate continuous exemption (three cases); company failed to establish inability to engage additional men to meet the emergency (two cases); board has no power to permit firemen to work six hours on Sunday instead of three, can keep open on Sunday by giving employees other days off, and exemption not warranted



by conditions as set forth in the application (one case each); reason not stated (four cases).

The third class of questions which has arisen in the administration of the weekly rest day law in New York originated in an amendment enacted in 1914, effective April 16 of that year, providing that the act shall not apply to

Employees, if the commissioner of labor in his discretion approves, engaged in the work of any industrial or manufacturing process necessarily continuous, in which no employee is permitted to work more than eight hours in any calendar day.

Under this amendment a number of exemptions have been granted and a number denied, but as the department records, unlike the minutes of the industrial board, are not public records, no detailed information is available, at least until the appearance of the commissioner's annual report, which is expected in January, 1915.

A second amendment which went into effect at the same time excludes from the benefits of the law employees in dairies, creameries, milk condensaries, milk powder factories, milk sugar factories, milk shipping stations, butter and cheese factories, ice cream manufacturing plants and milk bottling plants employing not more than seven persons. The exclusion of these workers eliminates one of the most troublesome problems the department has had to face in enforcing the statute.

To aid in administering the law a convenient 24-page pamphlet has been issued by the commissioner of labor containing a statement of the law as amended, the attorney general's interpretations thereof, the rulings of the labor department, and the policy of the industrial board in deciding questions of exemption. The pamphlet is to be had by application to the commissioner.

The question of constitutionality has been raised in a number of cases. In the first prosecution the plea was withdrawn when the fact was brought out that the employer was working his employees long hours a day as well as seven days a week.

In the second case involving the constitutionality of the law the employer, an ice dealer of Westchester county, allowed himself to be arrested for a violation and brought suit against the sheriff who arrested him, on the ground that the statute was invalid. Judge Tompkins of the state supreme court in Westchester county upheld

the statute both as a health regulation and as for the general welfare of the public.

In the third case an upstate power company was convicted and fined for not allowing an electrical converter attendant a full period of twenty-four consecutive hours' rest in seven consecutive days. On appeal Judge Fish of the Niagara county court affirmed the conviction, declaring, in part:

I think this act in question is a valid exercise of the police power of the state because it has a reasonable connection with public health, welfare and safety. From time immemorial it has been considered necessary for the welfare of the individual that he should have one day's rest in seven and laws securing this have been held constitutional. The state is interested in building up strong virile citizens to till its soil and develop its industries in times of peace and to defend it in times of war; and, by appropriate laws within reasonable bounds, can guard the health and welfare of the individual from the cradle to the grave.

A fourth case came before the appellate division of the state supreme court at Rochester, on the appeal of a packing company convicted of having employed four men in violation of the law. Conviction was affirmed as to three of the employees, but reversed as to the fourth, who, the court held, was "clearly a foreman in charge of the work" and therefore within an exception provided by the statute. In upholding the three convictions the court held that the law is within the police power of the legislature, and, therefore, constitutional. Its enactment clearly rests upon grounds of public policy. It has always been within the legislative prerogative to enact statutes for the moral and physical well-being of our citizens, and we think the legislature did not exceed its authority in prescribing the intermission of rest provided by the statute for the health and physical welfare of such of our citizens as come within its provisions.

A great deal of assistance in enforcing the law has been given by employees who were previously deprived of a weekly day of rest. Indicative of much of the experience under the act is the following letter:

BREWERS' UNION, NEW YORK CITY:—"Since the bill is enacted in the state of New York eighty-five of our members have the benefit of it. Formerly the same members had to work seven days a week and the best we had was one day off in a month. Furthermore, we maintained the same wages for six days as we formerly had for seven."

On the other hand, the largest amount of opposition to the law is said to have come not from employers but from employees who were accustomed to working seven days a week and who complained of the loss of a day's pay when the week was shortened.

It has been suggested that certain classes of employees who are now excluded from the benefits of the law, such as janitors, and waiters and waitresses in restaurants and lunch rooms, should be included.

By a new definition of the word "factory" adopted in 1914, "generating plants . . . owned or operated by a public service corporation" were taken out of the factory category and hence the law no longer applies to them. It is strongly felt that this exclusion should be removed.

While there have been objections to the law from both employers and employees, the tendency is for both sides to endorse the law after having given it a fair trial. There is no doubt but such a restriction upon seven-day labor is salutary and necessary. No case of hardship seems yet to have arisen of sufficient seriousness to point to the need of any further elasticity in the law. The commissioner of labor and the industrial board are using their present discretionary powers well and seem fully able to handle the situation.

#### MASSACHUSETTS

Like the New York law, the Massachusetts statute requiring one day of rest in seven was enacted in 1913 and went into effect on October 1 of the same year.

The two statutes are similar, except that the Massachusetts act makes an additional exemption of employees whose duties on Sunday are limited to caring for machinery, to the preparation, printing, publication, sale or delivery of newspapers, or to any labor called for by an emergency that could not reasonably have been anticipated, but no exception is made for superintendents or foremen in charge, as in New York. Hotels, restaurants, drug stores, livery stables or garages, and establishments for the manufacture or distribution of gas, electricity, milk or water, are also exempt. The provision found in the New York law empowering the industrial board to grant exemptions for specified times when the preservation of life, health or property requires, is omitted from the Massachusetts statute.

The following have been the main problems confronting the Massachusetts Board of Labor and Industries in enforcing the law:

1. The law applies only to "manufacturing or mercantile" establishments. Under the Massachusetts labor law a manufacturing establishment is a place where work is done on articles "for sale." This definition excludes from the benefits of the one-day-of-rest law employees in such establishments as laundries and printshops, where the work is done on articles belonging to the patron, or where what the patron pays for is not work but service.

2. The law applies to persons employed "in" the establishments designated. Trouble was encountered on this point, a number of ice cream dealers declaring that their drivers did not work "in" the factories and were therefore exempt. The board ruled that if an employee entered within the walls of the building he came within the law, whereupon the ice cream manufacturers arranged to have interior workers convey the goods outside the plant so that the drivers did not have to enter in. A recent Massachusetts court decision in a child labor case, however, decides that "establishment" means not only the building but all premises, which would again include the drivers as workers "in" the establishments. It is possible that in view of this decision the board may rescind its earlier ruling and adopt a more stringent one. To avoid similar difficulties in future and in other states, it is strongly recommended that the words "or about or in connection with" be inserted between the words "in" and "such manufacturing or mercantile establishment" in the first paragraph of the law.

3. The law requires twenty-four consecutive hours' rest in "every seven consecutive days." This provision strictly adhered to was found to make trouble in small establishments, such as stores, where the employees were given Sundays off in regular turn. For instance, in a store with two employees, the employees would have alternate Sundays off. But having had a Sunday off, an employee who had to work the following Sunday would have eight days' work in succession—a long week which was compensated for by his having only five days' work the following week. Such an employee could not be given the strict terms of the law without receiving an extra day's rest some time in his long week, which would amount to giving him two days off for one Sunday's work. To obviate this difficulty the board informally ruled that "seven consecutive days" meant a "working week," and an employer who arranged his men's time as just described was held to be complying.



4. The law exempts employees whose Sunday duties are limited to "caring for machinery." Question has been raised as to whether this provision exempted men doing repair work on machinery and men installing new machinery. The board answered the first of these questions in the affirmative and the second in the negative.

5. The law exempts "employees engaged in the preparation, printing, publication, sale or delivery of newspapers," and a large number of news and magazine stand owners, stationers, and the like, have claimed exemption under this clause. The law, however, does not exempt all employees who do the work listed, but only those "whose duties include no work on Sunday other than" such work. Consequently the claims were in most cases declared by the board unfounded.

6. Trouble has been met in interpreting the clause which exempts "any labor called for by an emergency that could not reasonably have been anticipated." A number of employers, among them a large car manufacturer, held that rush work was exempt under this clause, but the board ruled adversely on the claim. There is a feeling that this exemption should be made more specific.

7. The law requires the keeping of a time book by employers affected. In large plants this was already done, but in small establishments complaint was made of the extra bookkeeping. The board finally ruled that a card index, preserved for one year from the date of entry, would be accepted.

8. "Establishments used for the manufacture or distribution of milk or water" are exempt. A number of ice cream dealers claimed to be exempt on the ground that ice cream was merely "milk or water" in its congealed state. The board decided against them.<sup>1</sup>

9. All employees in "drug stores" are exempt. While there may be reason to exempt prescription clerks, it is strongly felt that clerks who merely sell patent medicines, toilet preparations, candy, soda water and other commodities should receive the benefit of the law.

10. "Livery stables or garages" are exempt. One keeper of a boat and canoe renting house unsuccessfully claimed exemption as operating a "garage."

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<sup>1</sup> This is a curious employers' counterpart of the claim advanced by the Socialist party Mayor Lunn of Schenectady in 1912 that his municipal ice house was legal in as much as the city charter provided for the distribution of water.



11. Since the one day rest law in Massachusetts was enacted as chapter 619 of the laws of 1913, and a new child labor law was chapter 831, the latter act supersedes the former in any point where their provisions are inconsistent. Section 9 of the child labor law prohibits the employment of boys under eighteen and of girls under twenty-one in manufacturing, mechanical or mercantile establishments for more than six days a week. This strengthens the one day rest law, since it removes, with regard to children under the ages named, the exemptions granted to certain establishments and occupations in the one day rest law. Difficulty has however been met in bringing this fact home to a number of employers, who insisted on the validity of their exemptions.

In spite of all the difficulties mentioned, during the first nine months of the law, from October 1, 1913, to July 1, 1914, no prosecutions were necessary, specific orders by the board having proved sufficient to secure compliance in all cases entered upon. Up to July 1, 1914, 306 such orders has been issued, divided as follows:

<i>Uniform order No.</i>	<i>Purport</i>	<i>Number Issued</i>
42	Give day off	88
43	Post and file schedule	103
44	File schedule	44
45	File copy of changes in schedule	28
46	Do not allow employee to work on day of rest designated for him	6
47	Keep time book	37
Total		306

This does not mean, however, that orders were served on 306 different establishments, as frequently two or more orders are served together, and sometimes when an employer is found violating the law through ignorance of its existence all six orders are served on him together.

By July 1, 1914, a total of 256 establishments had filed schedules. These included steel wire plants, clothing firms, ice manufacturers, bakeries, lime works, rubber, paper, leather and car factories, creameries, a large variety of small retail establishments such as news stands, confectioneries, ice cream and tobacco shops, and certain amusement parks.

In company with a member of the board's inspection staff, the investigator visited a number of Boston establishments in relation to the law, with the following results:

Florist.—Had not heard of law. Would comply.

Florist.—Had not heard of law. Would comply.

Ice cream and candy store.—Had not heard of law. Would comply.

Brewery.—Had not heard of law. Had two or three men working on Sunday. Would comply.

Brewery.—Had not heard of law. Had only one or two men working Sunday. Would comply. Superintendent said brewery workers' union insisted on night men's having option on Sunday work.

Distillery.—Representative place, regularly visited by classes from Massachusetts Institute of Technology, University of Maine, and other colleges. No continuous process requiring men's presence. Did not know of law but asked for information and was anxious to comply if affected.

Ammonia company.—No continuous process.

Gasolene company.—No continuous process requiring men except slight oversight by firemen.

Sugar refining company.—Complying with law. About 1,000 men in plant, 300 or 400 in processes affected by the law. Ordinary Sunday schedule for thirty to forty men, occasionally in case of emergency sixty to sixty-two men. Superintendent complained of some hardship due to fact that night shift counted as work on two days, thus making it difficult to give a night man his one day free in seven. Thought that a change to "in eight consecutive days" would improve the law from his standpoint, but realized that such a change would be taken unfair advantage of by some employers. The plant is run in three shifts of nine hours each, the overlapping hour being used for cleaning up and other incidentals.

In Worcester establishments were visited as follows:

Pants company.—Closed Saturday for religious reasons, but operated on Sunday. Was complying with law in all particulars including filing and posting of schedule of Sunday workers.

Ladies' cloak company.—Closed Saturday for religious reasons, but operated on Sunday. Had not heard of law, and was not filing or posting schedule. Would comply.

Garment shop.—Same as preceding.

Brewery.—No men working Sunday except superintendent for a couple of hours.

Steel wire company.—No necessarily continuous process, but filed schedule for about 75-150 men out of 7,000 employed in plant. Said company had established a weekly one-day rest years before the law was enacted, as no man could be in his best health or do his best work without it.

Car works.—Were complying with law, after having had notice served by the board. About six men regularly scheduled, sometimes thirty to fifty at most. Did not believe in seven-day work as a general thing, but thought if only occasional it would not hurt the men, who were glad of the extra pay. Board would not consider rush work as "emergency," and at such times they needed their old, experienced hands, not new temporary men.

On the whole, the law seemed to be working well wherever it had been called to the attention of employers, most of whom, especially in small retail stores, were not acquainted with it. Obviously violations cannot be definitely discovered without Sunday inspections; these were not the rule in the board until the summer of 1914, but are now being made.

Subsequent to July 1, 1914, when the foregoing data were collected, at least two prosecutions were entered. In both these cases the defendants, large corporations, raised the issue of constitutionality, but when the board insisted on the test each of the corporations pleaded guilty.

## ONE DAY OF REST IN SEVEN

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One of the striking features of the twentieth century is the growing number of industries that are kept in continuous operation and the growing number of wage-earners who are regularly employed every day of the week in such industries.

### EXTENT OF SEVEN-DAY LABOR

"More than 15 per cent of the employees in the industry as a whole and more than 50 per cent of the blast-furnace workmen" were "on a regular schedule of seven days a week, with a long turn of eighteen or twenty-four hours at the change of shift," stated the United States Bureau of Labor Statistics, in its report on the iron and steel industry in August, 1912. This means that nearly 26,000 men, in this one industry alone, were condemned to toil week in, week out, without respite.

Steel is not the only industry upon which lies the blot of seven-day labor. Steam and street railroads, hotels and restaurants, telegraphs and telephones, newspaper publishing and distributing, certain classes of retail storekeeping, and many other callings, at present require continuous labor from hundreds of thousands engaged in them. In sixteen groups of occupations employing about 180,000 trade-union members in the State of New York one man in every five was reported to the State Department of Labor in 1910 as working regularly seven days a week. In the same year the Bureau of Labor in Minnesota reported 98,558 men working seven days each week. In Massachusetts a joint legislative committee in 1907 estimated that 221,985 persons, or over 7 per cent. of the population, were engaged in seven-day labor.

### SEVEN-DAY LABOR INHUMAN AND WASTEFUL

Regular employment for eight hours or more a day on all seven days of the week tends to undermine the health, dwarf the minds, and debase the morals of those engaged in it. It deprives them of

the opportunity for reasonable rest, relaxation and enjoyment with family and friends, which is craved by every normal person.

Many of us have no experience with seven-day labor. We hear about it, yet fail to sense it. The real significance of working day after day, month after month, year in and year out, remains beyond our complete comprehension.

Both experience and science demonstrate more clearly each year that those who enjoy genuine weekly rest days will have better health, clearer intellects, and hence can do more and better work each year, and hence retain for more years their ability to do efficient work than those who work seven days each week.

"If an applicant came to us for insurance, and we knew he was working seven days a week, we would refuse the risk, unless such excessive work was only temporary"—is the declaration of John M. Pattison, President of the Union Central Life Insurance Company. A statement more significant of the dangers of seven-day labor could hardly be found.

#### **SUNDAY LAWS INADEQUATE**

The Sunday laws, enacted in the first instance to protect the Sabbath from desecration, have not only in the turmoil and rush of modern conditions failed to do that, but have also signally failed to protect men from the debasing effects of continuous seven-day toil. "Sunday laws do not and can not deal adequately with the situation," says John Fitch. "Stop all trains, all street cars, all heating and lighting plants, all delivery of milk, and all garbage removal, on Sundays, and the great cities will suffer as under a pestilence. Stop the blast furnaces, smelters, and other industries which for technical reasons require continuous operation, and those industries will be paralyzed."

#### **NEW TYPE OF LAW NEEDED**

We must and can have continuous industry, but we cannot have and we must not try to have continuous men and women.

To the argument that relief would be hard on certain industries, the sufficient answer is that seven-day labor is too hard on men and women.

A new type of law is needed, based on a new principle—a law that will forbid an employer to work his men seven days a week, and



yet permit an industry necessarily or desirably continuous to operate seven days a week.

In Austria, Belgium, Canada, Chile, France, Germany, Italy, Switzerland and other foreign countries, this principle has been enacted into legislation. Early attempts in this direction in the United States, because not scientifically made, have proved abortive.

A standard One Day Rest in Seven bill has been prepared by a special committee of the American Association for Labor Legislation for introduction in all states [see following page], and has already been enacted in Massachusetts and in New York. In both states it has brought relief to thousands of seven-day workers. Other states where the inhuman system of seven-day labor exists should be brought up to the standard set by these two states.

The bill is purposely limited in scope to those industries where for the time being there is the greatest hope of effective enforcement of the law. Work for this bill in your own state, through the press, pulpit and public forum. Write to your representatives and talk to them.

#### **IN A NUTSHELL**

1. Seven-day labor is bad for the worker, and it is a suicidal policy for the state.
2. Most seven-day labor is unnecessary.
3. Other countries have legislated against it.
4. Sunday laws do not and cannot deal adequately with the problem.
5. One day of rest in seven is the only effective method of preventing seven-day labor.
6. It is admitted by employers to be "reasonable and fair."
7. Therefore, a law requiring one day of rest in seven, no matter how continuous the industry, is the real remedy.

## STANDARD BILL FOR ONE DAY OF REST IN SEVEN

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AN ACT to promote the public health by providing for one day of rest in seven for employees in certain employments.

*Be it enacted, etc., as follows:*

### SECTION 1. *Scope of the Act.*

Every employer of labor, whether a person, partnership or corporation, engaged in carrying on any factory or mercantile establishment in this State, shall allow every person, except those specified in Section 2, employed in such factory or mercantile establishment, at least twenty-four consecutive hours of rest in every seven consecutive days. No employer shall operate any such factory or mercantile establishment on Sunday, unless he shall have complied with Section 3. Provided, however, that this act shall not authorize any work on Sunday not now authorized by law.

### SECTION 2. *Exceptions.*

This act shall not apply to

- (1) Janitors
- (2) Watchmen
- (3) Employees whose duties include no work on Sunday other than
  - a. Setting sponges in bakeries
  - b. Caring for live animals
  - c. Maintaining fires.

### SECTION 3. *Schedule for Sunday Workers.*

Before operating on Sunday, every employer shall post in a conspicuous place on the premises a schedule containing a list of his employees who are required or allowed to work on Sunday and designating the day of rest for each, and shall file a copy of such schedule with the (Commissioner of Labor). The employer shall promptly file with the said (Commissioner) a copy of every change in such schedule. No employee shall be required or allowed to work on the day of rest so designated for him.

### SECTION 4. *Time Book.*

Every employer shall keep a time book showing the names and addresses of all employees and the hours worked by each of them in each day, and such time book shall be open to inspection by the (Commissioner of Labor).

### SECTION 5. *Penalty.*

Every employer who violates the provisions of this act, or any of them, shall be liable to the State for a penalty of \_\_\_\_\_ dollars for each offense, recoverable by civil action by the (Commissioner of Labor).

### SECTION 6. *Time of Taking Effect.*

This act shall take effect on the first day of ———, 19—.

VIII

WOMAN'S WORK

## Committee on Woman's Work

IRENE OSGOOD ANDREWS, *Chairman*

Assistant Secretary, American Association for Labor Legislation  
Departmental Editor, Life and Labor  
Author, Women Workers in Milwaukee Tanneries; Minimum Wage Legislation.

M. EDITH CAMPBELL

Director, Schmidlapp Bureau for Securing Employment for Women and Girls.  
Member, Cincinnati Board of Education

MARY E. DRIER

Member, New York State Factory Investigating Commission  
Member, Woman's Trade Union League, New York

ERNST FREUND

Professor, Jurisprudence and Public Law, University of Chicago  
Commissioner of Uniform State Laws for Illinois  
Author, The Police Power, etc.

JOSEPHINE GOLDMARK

Publication Secretary, National Consumers' League  
Author, Fatigue and Efficiency, etc.

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Director, Department of Social Research, Women's Educational and Industrial Union, Boston  
Editor, Labor Laws and Their Enforcement, etc.

ANNE MORGAN

New York City

MARIE L. OBENAUER

Expert, United States Bureau of Labor Statistics

MARY VAN KLEECK

Director, Department of Woman's Work, Russell Sage Foundation  
Author, Artificial Flower-Makers, Women in the Book-Binding Trade, etc.

## WOMAN'S WORK

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At the conference of the International Association for Labor Legislation, held at Berne, Switzerland in September, 1906, one of the half-dozen subjects recommended to the national sections for investigation and report was the employment of women. The Association in America has followed the lead of its parent organization, and, from its inception, has given attention to the problems of women in industry and to the special legislation in their behalf, a task particularly important in the United States where many forms of legislative protection are constitutional when applied to women but not when applied to men workers.

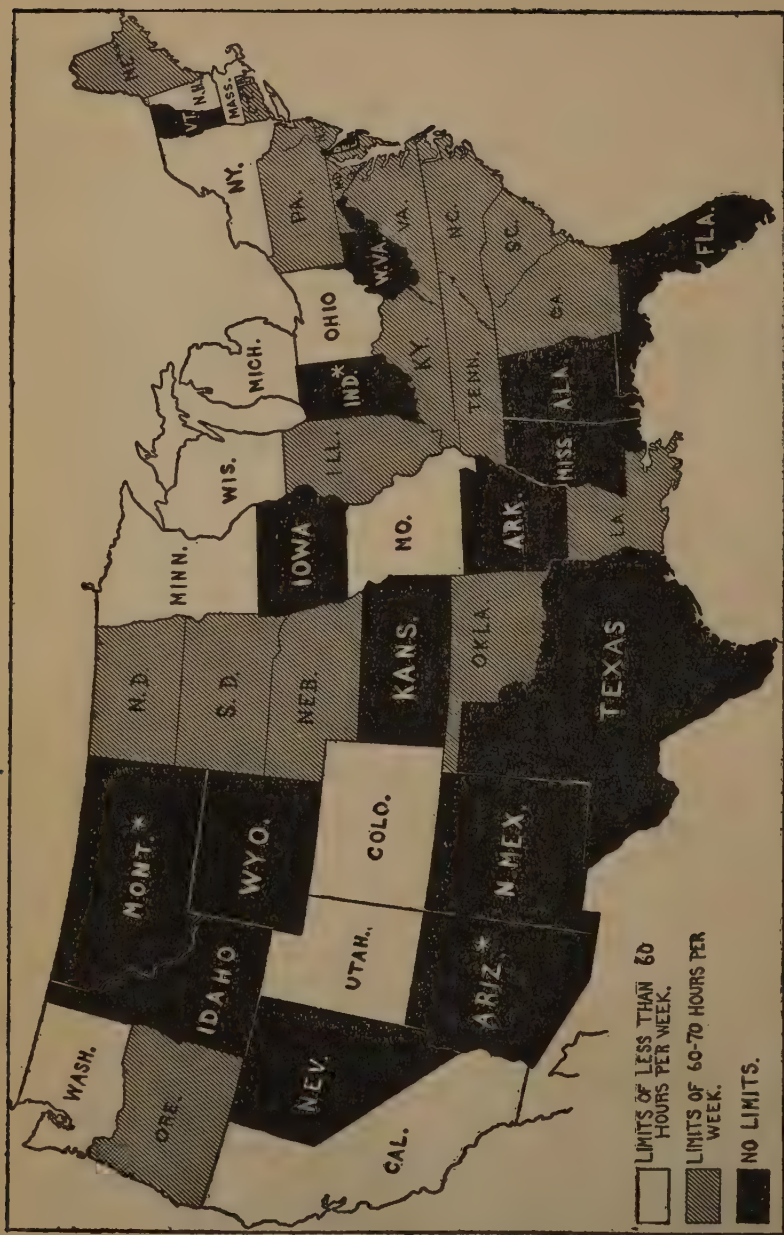
From the first, care was taken not to duplicate the work of other organizations, but to cooperate with them to the fullest possible extent and to add the weight of the Association's influence to movements started by other interests for the better legal protection of working women. An example of the development of such cooperation is found in the position of the Association on laws limiting the working hours of women. The Consumers' League has drafted a bill on the subject and is active in work for legislation, and the Association, therefore, has not attempted to draft a bill of its own or to initiate this sort of legislation. As a further means of avoiding duplication in the work and of bringing about greater effectiveness and economy of effort, a special committee on Woman's Work, chosen to represent the various organizations most actively interested in the problem, has, since 1909, had oversight of the work of the Association along these lines. The chairman of the committee is Irene Osgood Andrews, assistant secretary of the Association, and it includes the following members: M. Edith Campbell, Mary Dreier, Professor Ernst Freund, Josephine Goldmark, Susan M. Kingsbury, Anne Morgan, Marie L. Obenauer and Mary Van Kleeck. The chairman, Mrs. Andrews, has made frequent addresses on different phases of the subject.

In no direction are the services of the Association's Bureau of Information more in demand than in answering questions having to do with the industrial employment of women and the closely related topic of the minimum wage. On these matters an extensive correspondence is carried on with many inquirers.



# LEGAL LIMITATION OF WORKING HOURS

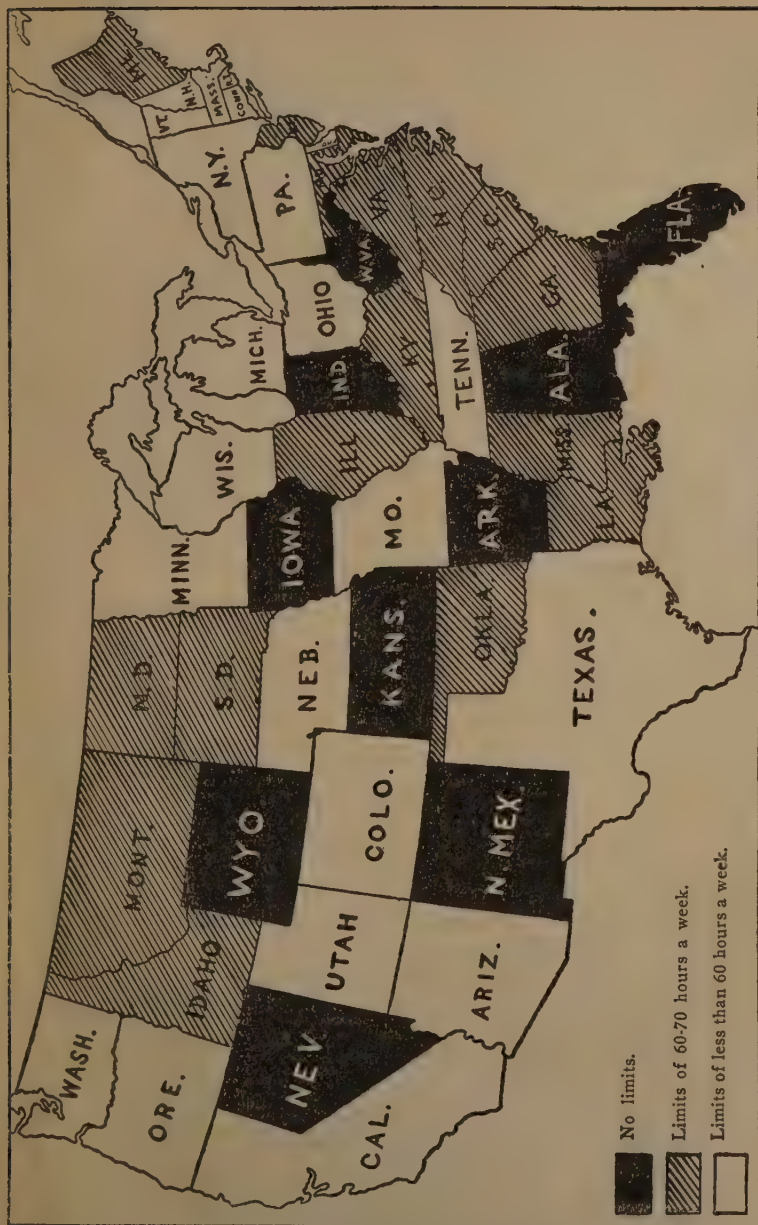
1912—



## PROVISIONS IN 1912

\* *Indiana* prohibited night work in manufacturing. *Arizona* limited hours to 8 a day in laundries, *Montana* to 9 a day on telephones in cities of 3,000 or more.  
 \*\* *Connecticut* and *Maine* permitted 60 hours a week for more than half the year.  
 It is still the case in 1914 as in 1912 that in some states there is no adequate enforcing authority, and that in others, as in North Carolina, North and South Dakota and Oklahoma, the laws are so worded as to make enforcement practically impossible.

# FOR WOMEN IN THE UNITED STATES —1914



## PROVISIONS IN 1914

*Indiana* prohibits night work in manufacturing.  
*Maine* permits 60 hours a week for women.  
*New York* allows women over 18 to work in canneries 60 hours a week between June 15 and October 15; between June 25 and August 5 they may work 66 hours a week by permission of the industrial board.  
*Oregon* by statute law allows 60 hours a week. But the industrial welfare commission has power to fix shorter hours, and has established maximums of from 51 to 54 hours a week for practically all occupations.  
*Wisconsin* has a maximum of 55 hours a week, established by statute, which holds unless the industrial commission makes other rulings. The commission has for a limited time permitted a higher maximum for pea canneries.

As early as 1909, among the first of the Association's many tables on labor laws, there was issued a pamphlet prepared by Maud Swett, summarizing the laws then in force regulating women's hours of labor and requiring the provision of seats. Since that time the annual REVIEW OF LABOR LEGISLATION has contained each year a special section on the legislation affecting woman's work.

In December, 1912, the REVIEW was devoted to presenting facts for use in the legislative campaigns of the Association during the next year, and here again a separate part was given up to a complete analysis of the labor laws for women. In addition to the laws limiting hours and requiring the provision of seats, which had been first summarized in 1909, the topics of prohibited employments, provision for toilets and dressing rooms, childbirth protection and the minimum wage were included, the whole forming a comprehensive summary of all the labor laws then in force which applied to women alone.

#### THE MINIMUM WAGE

The Association has fostered the rapidly growing interest in minimum wage legislation. At the Sixth Annual Meeting in 1912 a joint session with the American Economic Association was devoted to this topic, a strong address in favor of the measure by President Henry R. Seager of the Association being followed by a spirited discussion in which all shades of opinion were represented. A table presenting the main provisions of the existing minimum wage laws in the United States was first published as part of the REVIEW OF LABOR LEGISLATION for 1913. So widespread was the demand for this tabulation that it was later reprinted separately and thousands of copies were distributed. A report on *Minimum Wage Legislation* was compiled in 1913 for the third report of the New York State Factory Investigating Commission by Irene Osgood Andrews. This report brought together and analyzed all existing minimum wage legislation and the methods of operation under the laws. For the fourth report of this same commission, in 1914, Mrs. Andrews prepared a report on *The Relation of Irregular Employment to the Living Wage for Women*, which united for the first time a consideration of the two important problems, unemployment and the minimum wage, and showed the



## SUBSTANTIVE FEATURES

STATE	INDUSTRIES COVERED	EMPLOYEES COVERED	PRINCIPLE OF WAGE DETERMINATION	EXCEPTIONS FOR DEFECTIVES	EXCEPTIONS FOR LEARNERS	PENALTY 1. FOR VIOLATION 2. FOR DISCRIMINATION
<b>California</b> C. 324, Laws 1913. In effect, August 10, 1913.	All.	Women, and minors under 18.	"Necessary cost of proper living and to maintain the health and welfare".	Special license, women only, renewable semi-annually.	None.	1. Minimum, \$50, in 30 days, or both; may sue for wage to wage rulings on. 2. A misdemeanor.
<b>Colorado</b> C. 110, Laws 1913. In effect, August 12, 1913.	Mercantile, manufacturing, laundry, hotel, restaurant, telephone or telegraph.	Same as California.	"Necessary cost of living, maintain them in health, and supply the necessary comforts of life" and "financial condition of the business".	Special license, women only.	None.	1. Maximum, \$100, 3 months, or both; may sue for wage to wage rulings on. 2. For each offense.
<b>Massachusetts</b> C. 706, Laws 1912. In effect, July 1, 1913. Am'd Cs. 330, 673, L. 1913, in effect, Mar. 21, July 1, 1913; C. 368, Laws 1914, in effect, April 17, 1914.	All.	Same as California.	"Necessary cost of living and to maintain the worker in health" and "financial condition of the business".	Same as Colorado.	Special rates for learners and apprentices.	1. Commission may refuse to publish newspapers (\$100 for refusing to publish). 2. For each offense,
<b>Minnesota</b> C. 547, Laws 1913. In effect, June 26 1913.	All.	Women, and minors under 21.	"Wages sufficient to maintain the worker in health and supply him with the necessary comforts and conditions of reasonable life"	Special license, women only, limited to 10 per cent of employees in any establishment.	Same as Massachusetts.	1, 2. For each offense imprisonment for 10 employee may sue for
<b>Nebraska</b> C. 211, Laws 1913. In effect, July 17, 1913.	All.	Same as California.	Same as Massachusetts ("occupation" instead of "business").	Same as Colorado.	Same as Massachusetts.	1. Commission must refuse to publish newspapers (\$100 for refusing to publish). 2. For each offense,
<b>Oregon</b> C. 62, Laws 1913. In effect, June 2, 1913.	All.	Same as California.	"Necessary cost of living and to maintain the workers in health".	Same as Colorado.	Same as Massachusetts.	1. \$25-\$100, imprisonment 3 months, or both; may sue for wage to wage rulings on. 2. \$25-\$100.
<b>Utah</b> C. 63, Laws 1913. In effect, May 13, 1913.	All.	"Females".	Experienced adults, \$1.25 a day, fixed by act.	None.	Females under 18, 75 cents a day; adult learners and apprentices 90 cents a day, fixed by act.	1. A misdemeanor.
<b>Washington</b> C. 174, Laws 1913. In effect, June 13, 1913.	All.	Same as California.	Same as Oregon.	Same as Colorado.	Special license, with time limit fixed by commission.	1. \$25-\$100; (and en for wage balance). 2. For each offense,
<b>Wisconsin</b> C. 712, Laws 1913. In effect, August 1, 1913.	All.	Women, and minors.	"A wage sufficient to maintain himself or herself under conditions consistent with his or her welfare".	Special license, women and minors.	Minors in a "trade industry" must be indentured.	1. For each offense, 2. For each offense,

<sup>1</sup> The penalty for discrimination is for the employer who "discharges or in any way discriminates against any employee because such employee has testified, or is about to testify, or because the employer believes that the employee may testify, in any investigation or proceeding" relative to the enforcement of the act. In Massachusetts, in addition

it applies to discrimination against any employee for "serving or being on any wage board or being active in the formation thereof, or giving information relative to the conditions of such employee's employment."

# Provisions of Minimum Wage Laws in the United States

PROVISIONS <sup>1</sup>	APPROPRIATION	NAME	PERSONNEL	APPOINTMENT AND COMPENSATION	CHIEF ADMINISTRATIVE BODY	
					INVESTIGATION	
					INITIATION	POWER
					1. ORIGINAL INQUIRY 2. REHEARINGS	
sonment for nd employee nce. Applies	\$15,000 annually.	Industrial Wel- fare Commis- sion.	5 persons, 1 a woman. (May engage secretary and necessary assistants.)	By governor, for 4 years. \$10 a day and expenses.	1. By commission, or upon petition. 2. By commission, or upon petition of employers or employees.	Subpoena withn minister oath ine books, en ises.
sonment for nd employee (ce).	\$5,000 annually.	State Wage Board.	3 persons: 1 labor representative, 1 employer, 1 woman. (May engage secretary.)	By governor, for 2 years. Expenses up to \$1,300 annually; secretary, \$1,200 annually.	1. By commission. 2. None provided.	Subpoena withn minister oath ine books.
ish name in newspapers	\$18,900 for 1914.	Minimum Wage Commission.	3 persons, 1 a woman. (May engage secretary.)	By governor, for 3 years. \$10 a day and expenses.	1. Same as Colorado. 2. Upon petition of em- ployers or employees.	Same as Color
0-\$1,000.	\$5,000 annually.	Minimum Wage Commission.	3 persons: commissioner of labor, 1 employer of women, 1 woman secre- tary.	Same as Colorado. Expenses; secretary, \$1,800 annually.	1. By commission, or at re- quest of 100 employees. 2. By commission, or at request of ¼ of the em- ployers or employees in an occupation.	Same as Color
ish names in ewspapers re-	None.	Minimum Wage Commission.	4 persons: governor, deputy commis- sioner of labor, professor of political science in state university, 1 citizen of state (1 a woman).	Same as Colorado. Expenses.	1. Same as Colorado. 2. Same as Massachusetts.	Same as Color
t 10 days to nd employee nce).	\$3,500 annually.	Industrial Wel- fare Commis- sion.	3 persons: 1 representative of employ- ing class, 1 of employed class, 1 of public. (May engage secretary.)	Same as Massachusetts. Expenses.	1. Same as Colorado. 2. None provided.	Same as Color
	No special pro- vision.	Commissioner of Immigration, Labor and Sta- tistics.		By governor, with con- sent of senate, for 2 years. \$1,800 and \$500 ex- penses, annually.		
ee may sue	\$5,000 annually.	Industrial Wel- fare Commis- sion.	5 persons: commissioner of labor, 4 disinterested citizens. (May engage secretary.)	Same as California. Expenses.	1. Same as Colorado. 2. Same as Massachusetts.	Same as Color
100.						
\$100.	General for In- dustrial Com- mission.	Industrial Com- mission.	3 persons. (May engage assistants.)	By governor, with con- sent of senate, for 6 years. \$5,000 annually, and expenses.	1. By commission, or upon complaint. 2. No special provisions.	Same as Calif

about to serve  
information concern-

<sup>2</sup>In all cases the functions of the subordinate body are advisory only, its operations are confined to the industry in question, and its rules of procedure are determined by the commission.

<sup>3</sup>The California law is the only one which  
of arbitration during a strike or lockout.



## ed States

## NISTRATION

		SUBORDINATE BODY <sup>2</sup>			
AUTHORITY	COURT REVIEW	NAME	PERSONNEL	APPOINTMENT AND COMPENSATION	STATE
1. To DETERMINE 2. To ENFORCE	1. COURT. 2. GROUNDS FOR SETTING ASIDE RULING.				
1. Minimum wages, maximum hours, and conditions of labor. <sup>2</sup> 2. Wage rulings, upon complaint.	1. Superior court, on questions of law only. 2. If procured by fraud or if the commission acted outside its powers.	Wage board.	Equal number representatives of employers and employees, and a representative of the commission.	By commission's rules (optional). \$5 a day and expenses.	California
1. Minimum wages.	1. District court on questions of law only. 2. If unlawful or unreasonable.	None.			Colorado
1. Same as Colorado. 2. Its rulings (see "Penalty").	1. Supreme judicial court, or superior court. 2. If compliance would prevent a "reasonable profit".	Wage board.	One or more representatives of public and equal number of representatives of employers and employees, chosen from names furnished by the employers and employees respectively, if supplied within ten days of request of commission for them.	By commission's rules (only in case of women, then mandatory). Same rate as jurors.	Massachusetts
1. Same as Colorado. 2. The act.	None provided.	Advisory board.	3-10 representatives of employers, equal number of employees, and 1 or more representatives of public; at least 1/5 women.	By commission's rules, election when practicable; (optional). None.	Minnesota
1 Same as Colorado. 2. Same as Massachusetts.	1. District court. 2. If compliance "is likely to endanger the prosperity of the business".	Wage board.	At least 3 representatives of employers, 3 of employees, and the 3 appointed members of the commission.	By commission (only in case of women, then mandatory). Same as jurors in district court.	Nebraska
1. Same as California. 2. All rulings.	1. Circuit court, on questions of law only.	Conference.	Not more than 3 representatives of employers, 3 of employees, 3 of public and 1 or more commissioners.	By commission (only in case of women, then optional). None.	Oregon
1. None. 2. Same as Minnesota.	None.	None.			Utah
1. Minimum wages and conditions of labor. 2. Same as California.	1. Superior court, on questions of law only.	Conference.	Equal number of representatives of employers and employees, and 1 or more representatives of public.	By commission's rules (only in case of women, then optional). None.	Washington
1. Minimum wages, maximum hours (C. 381, L. 1913), and conditions of labor (C. 485, L. 1911). 2. Wage rulings, upon complaint, other rulings directly.	1. Circuit court, on questions of law only. 2. If unlawful or unreasonable.	Advisory wage board.	"So as fairly to represent employers, employees and the public".	By commission (mandatory). None.	Wisconsin

the commission to act as a board

Table prepared for the American Association for Labor Legislation, 131 East 23rd Street, New York City.



necessity for making an allowance in fixing minimum wage rates for losses from irregular employment.

With the conviction that permanent industrial progress cannot be based upon the physical exhaustion of women, the Association aided in the work of establishing laws limiting women's hours of work. In September, 1909, an attack was made on the constitutionality of the Illinois ten-hour law which had just gone into effect. Realizing that the setting aside of the law in this important industrial state would prove a serious obstacle to the progress of social legislation in this country, the Association helped in arousing public attention to the importance of the crisis. It sent a special circular letter on the subject to a selected list of people, distributed thousands of copies of pamphlets bearing on the subject and secured the services of the prominent attorney William James Calhoun, later minister to China, to speak in oral defense of the law, which was upheld in April, 1910, by the state supreme court.

The Committee on Woman's Work was asked in February, 1912, to support and to recommend changes in a proposed ten-hour bill in New Jersey. It did so, and the bill which passed in that year included the committee's recommendation that employers be required to keep a record of the working hours of each woman employee. The committee during the winter of 1912-13 likewise recommended changes in the proposed eight-hour law for the District of Columbia, which was finally passed by Congress in 1914.

In 1914 the constitutionality of the New York law prohibiting night work of women was attacked in the courts. The Association secured wide newspaper publicity for an article explaining the need of this law as a health measure and showing that while fifteen states of the union granted this protection to their women workers, in Europe fourteen of the leading nations had done so by an international treaty, the result of a conference called by the International Association for Labor Legislation in 1906.

#### INVESTIGATION

Besides the work in support of existing or proposed laws, certain investigations to ascertain the need for further protection of women workers were carried on under the auspices of the Committee on Woman's Work in 1913. A preliminary study of the work of women in the manufacture of incan-

descent lamps was made by Dr. Fanny Dembo and a preliminary investigation into the industrial employment of women before and after childbirth was carried on by Miss Helen Schmidt and Dr. Dembo. Cooperation was secured from the New York Board of Health and from the New York Milk Committee. This investigation was continued during the fall of 1914 by Miss Fany Mislig.

The results of the last mentioned investigation, disclosing, as it did, instances of the employment of women directly before and after childbirth because they could not afford to lose their wages, form one reason for the Association's advocacy of maternity benefits as an essential part of any plan for public sickness insurance. By the end of 1914 four states had adopted the important protective measure which forbids the industrial employment of women during the weeks just before and just after childbirth, but none of them have yet made any attempt to provide any benefit funds to make up for the resulting loss of income. As a further guide for future American action the Association made a summary of the foreign provisions for maternity insurance.

#### PUBLICATIONS

January 1910—Legislative Review No. 4, Women's Work, Summary of Laws in Force, 1909 (16 p.).

August 1910—Review of Labor Legislation of 1910, containing Woman's Work (1 p.).

January 1911—Proceedings of Fourth Annual Meeting, containing Woman's Working Hours (3 p.).

October 1911—Review of Labor Legislation of 1911, containing Woman's Work (4 p.).

October 1912—Review of Labor Legislation of 1912, containing Woman's Work (6 p.).

December 1912—Protection for Working Women (23 p.).

February 1913—Proceedings of Sixth Annual Meeting containing The Minimum Wage (35 p.).

June 1913—Proceedings of First National Conference on Social Insurance containing Pensions for Mothers (11 p.).

October 1913—Review of Labor Legislation for 1913, containing Woman's Work: A. The Minimum Wage; B. Hours and Working Conditions (14 p.).

November 1913—Table of Main Provisions of Minimum Wage Laws in the United States (1 p.).

December 1913—Administration of Labor Laws, containing Directory of Minimum Wage Commissions (1 p.).

October 1914—Review of Labor Legislation for 1914, containing Woman's Work (3 p.).

IX

CHILD LABOR





## CHILD LABOR

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In his report of work for 1909 the secretary stated that the policy of the Association with reference to aspects of labor legislation already largely cared for by other organizations was one of "respectful and glad submission." Especially on the subject of child labor the Association has felt particularly free from responsibility, on account of the extensive work carried on by the older and well-equipped National Child Labor Committee. One of the subjects, however, which the International Association asked the different national sections to study and report upon was the employment of children, and the Association therefore published in 1910 a summary, compiled by Miss Laura Scott, of the child labor laws then in force throughout the United States, including the compulsory education laws. In order to make them complete, the yearly reviews of labor legislation always contain a summary of the new legislation on child labor.

### PUBLICATIONS

January 1910—Legislative Review No. 5. Child Labor, Summary of Laws in Force 1910 (139 p.).

August 1910—Review of Labor Legislation of 1910, containing Child Labor (3 p.).

October 1911—Review of Labor Legislation of 1911, containing Child Labor (17 p.).

October 1912—Review of Labor Legislation of 1912, containing Child Labor (8 p.).

October 1913—Review of Labor Legislation of 1913, containing Child Labor (14 p.).

October 1914—Review of Labor Legislation of 1914, containing Child Labor (11 p.).



X

INDUSTRIAL EDUCATION





## INDUSTRIAL EDUCATION

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An excellent example of the Association's policy of cooperation and division of the field with related organizations is found in its work on industrial education. In May, 1909, the suggestion was made by prominent members of the Association that it should keep in touch with the movement for industrial education and study the American legislation on the subject. Accordingly, early in 1910, the Association published a summary, made by Edward C. Elliott of the University of Wisconsin, of the legal provisions for industrial education which had been made at that time. Owing to general interest in the pamphlet the edition was quickly exhausted and a second printing was planned. At this point it was discovered that the National Society for the Promotion of Industrial Education had in view a bulletin covering the same general ground. To avoid duplication the two societies therefore brought out cooperatively an enlarged second edition of the publication, including in addition an analysis and comparison of the different laws. Thereafter the Association for the Promotion of Industrial Education took over the work and, on this account, the Association for Labor Legislation retired from the field.

### PUBLICATIONS

January 1910—Legislative Review No. 2. Industrial Education (15 p.).

November 1910—Legislation upon Industrial Education in the United States. (An enlarged second edition of the above, issued as Bulletin No. 12 of the National Society for the Promotion of Industrial Education. 76 p.).

# PUBLICATIONS

## American Association for Labor Legislation

- No. 1: Proceedings of the First Annual Meeting, 1907.  
No. 2: Proceedings of the Second Annual Meeting, 1908.\*  
No. 3: Report of the General Administrative Council, 1909.\*  
No. 4: (Legislative Review No. 1) Review of Labor Legislation of 1909.  
No. 5: (Legislative Review No. 2) Industrial Education, 1909.  
No. 6: (Legislative Review No. 3) Administration of Labor Laws, 1909.\*  
No. 7: (Legislative Review No. 4) Woman's Work, 1909.\*  
No. 8: (Legislative Review No. 5) Child Labor, 1910.  
No. 9: Proceedings of the Third Annual Meeting, 1909.\*  
No. 10: Proceedings of the First National Conference on Industrial Diseases, 1910.\*  
No. 11: (Legislative Review No. 6) Review of Labor Legislation of 1910.  
No. 12: (American Labor Legislation Review, Vol. I, No. 1.) Proceedings of the Fourth Annual Meeting, 1910.  
No. 13: (American Labor Legislation Review, Vol. I, No. 2.) Comfort, Health and Safety in Factories.  
No. 14: (American Labor Legislation Review, Vol. I, No. 3.) Review of Labor Legislation of 1911.  
No. 15: (American Labor Legislation Review, Vol. I, No. 4.) Prevention and Reporting of Industrial Injuries.  
No. 16: (American Labor Legislation Review, Vol. II, No. 1.) Proceedings of the Fifth Annual Meeting, 1911.\*  
No. 17: (American Labor Legislation Review Vol. II, No. 2.) Proceedings of the Second National Conference on Industrial Diseases, 1912.  
No. 18: (American Labor Legislation Review, Vol. II, No. 3.) Review of Labor Legislation of 1912.  
No. 19: (American Labor Legislation Review, Vol. II, No. 4.) Immediate Legislative Program.  
    One Day of Rest in Seven, Prevention of Lead Poisoning, Reporting of Accidents and Diseases, Workmen's Compensation, Investigation of Industrial Hygiene, Protection for Working Women, Enforcement of Labor Laws.  
No. 20: (American Labor Legislation Review, Vol. III, No. 1.) Proceedings of the Sixth Annual Meeting, 1912.  
    The Minimum Wage:  
        The Theory of the Minimum Wage, Henry R. Seager.  
    Factory Inspection and Labor Law Enforcement:  
        How the Wisconsin Industrial Commission Works, John R. Commons.  
        A Laborer's View of Factory Inspection, Henry Sterling.  
        An Employer's View of Factory Inspection, Charles Sumner Bird.  
        The Efficiency of Present Factory Inspection Machinery in the United States, Edward F. Brown.

\* Publication out of print.





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